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Fifty-fifth session

SUMMARY RECORD OF THE 7th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 30 March 1999, at 10 a.m.

Chairperson: Ms. ANDERSON (Ireland)

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GE.99-11811 (E)

The meeting was called to order at 10 a.m.

ORGANIZATION OF THE WORK OF THE SESSION (agenda item 3) (continued) (E/CN.4/1999/2 and 109; E/CN.4/1998/CRP.4)

1. Mr. ALFONSO MARTÍNEZ (Cuba), referring to agenda item 20 (Rationalization of the work of the Commission), said he regretted that documents E/CN.4/1999/120 and E/CN.4/1999/124, which reflected the position of a number of countries, had only been issued in English and had not been translated into the other working languages. In addition, he requested the secretariat to make available to the Commission Mr. Selebi's closing speech at the fifty-fourth session, since it had some bearing on the Commission's methods of work, and the General Assembly resolution establishing the mandate of the High Commissioner for Human Rights.

2. Mr. AGUILAR URBINA (Secretary of the Commission) explained that, in order to ensure timely translation into the working languages, a document had to be submitted 10 weeks prior to the date of the meeting. Moreover, texts annexed to letters from Governments, such as the documents referred to, were normally left in the original language. It was for the Commission to decide whether it wished to change that practice. Nevertheless, the secretariat would provide the Commission with the two texts requested by the representative of Cuba.

3. Mr. PÉREZ-HERNÁNDEZ Y TORRA (Observer for Spain) said that the translation into Spanish of the two documents in question was a matter of high priority.

4. Mr. ALFONSO MARTÍNEZ (Cuba) said that his delegation reserved the right to return to the issue of translation of significant documents into all the working languages.

RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND ALL FORMS OF DISCRIMINATION (agenda item 6) (continued) (E/CN.4/1999/12, 15 and Add.1 and 17; E/CN.4/1999/NGO/4-6 and 60)

5. Mr. HÖYNCK (Germany) speaking on behalf of the European Union, the central and eastern European countries associated with the Union, and Cyprus, said that manifestations of racism and xenophobia occurred in all regions of the world, including Europe. It was the responsibility of States to guarantee the human rights of all persons residing in their territory and protect them against all forms of discrimination. The fulfilment of their international obligations was an important step in that direction, but they also had to raise awareness and promote education with a view to combating racist attitudes. Civil society and non-governmental organizations (NGOs) also had a role to play in that regard.

6. The United Nations had been the first international forum to address the problem of racial discrimination in a comprehensive manner. The International Convention on the Elimination of All Forms of Racial Discrimination, adopted more than 30 years previously, had been ratified by 150 States. Universal ratification should be one of the goals of the World Conference against Racism and Racial Discrimination, Xenophobia and Related Intolerance. The European

Union fully supported the work of the Committee on the Elimination of Racial Discrimination, which had been entrusted with monitoring the application of the Convention. It called on all countries whose reports to the Committee were long overdue, in particular their initial reports, to honour their commitments under article 9 of the Convention without further delay. The European Union also supported the work of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance. Finally, it endorsed the objectives of the Third Decade to Combat Racism and Racial Discrimination, reiterated its support for the High Commissioner for Human Rights in her capacity as coordinator for the Decade, and favoured the idea of establishing a racism project team in the Office of the High Commissioner.

7. The preparations for the World Conference were just as important as the Conference itself. To have the maximum impact, both the preparatory process and the World Conference should be action-oriented, forward-looking, and focus on achievable goals. NGO participation was essential. In Europe, the preparatory process for the World Conference was being directed by the Council of Europe, building on the important work already undertaken, inter alia, by its Commission against Racism and Intolerance. In February, an initial meeting of experts of the States members of the Council of Europe had launched preparations for a European conference scheduled for autumn 2000. NGOs would play an active part in the European preparations for the World Conference. The interaction between regional preparatory processes would be extremely enriching.

8. The European Union was aware of the need to combat racism and xenophobia affecting both European citizens and foreigners living in European countries; member States had thus devised relevant policies at national and community level. The Amsterdam Treaty would enhance the Union's competence in all areas of activity, including the fight against racism and police and judicial cooperation. The mobilization of Governments and NGOs during the European Year against Racism in 1997 had yielded specific results, the most obvious being the establishment in Vienna of a European Monitoring Centre on Racism and Xenophobia. Furthermore, pursuant to the Year against Racism, in 1998 the European Commission had drawn up a comprehensive plan of action for combating racism across the European Union.

9. The roots and causes of racism, xenophobia and intolerance were many and varied. They could be found in collective and individual feelings of fear and frustration, ignorance, and social upheavals which undermined the certainties of the past and people's sense of identity. Another cause was the weakening of values, traditions and institutions which in the past had ensured social cohesion; such factors were sometimes exploited by unscrupulous groups or individuals for political ends. Solutions had to be tailor-made for differing circumstances while at the same time remaining all-encompassing with regard to causes. They had to be local and global, immediate and persistent. It was a challenge that necessitated joint action by all the parties involved.

10. Mr. ZAKI (Pakistan) said that the principles of equality and brotherhood were enshrined in Pakistan's Constitution and that Pakistan had been one of the first countries to sign and ratify the International Convention on the Elimination of All Forms of Racial Discrimination. Pakistan had consistently

supported peoples fighting all forms of racial discrimination, and had also been in the vanguard of South Africa's struggle against apartheid.

11. Although the dismantling of the system of apartheid in South Africa had encouraged the hope that policies based on the theory of racial superiority and hatred were on the wane, new forms of racism and racial discrimination had emerged such as xenophobia and the persecution of minorities, ethnic groups, migrant workers and refugees. Millions of people were currently victims of discrimination based on colour, race, ethnicity, caste or creed. Racial discrimination and ethnic cleansing jeopardized friendly relations between peoples.

12. In many countries, migrants who had become stateless, classless individuals marginalized from political and social life were especially prone to racist attacks. Yet such attacks had received scant attention from the international community. As the High Commissioner for Human Rights had remarked, discrimination against Albanians lay at the root of the current conflict in Kosovo. Such policies of racial superiority and hatred demanded a forceful response from the international community. Also of concern were the various forms of discrimination practised against Muslim minorities in several countries and attacks on them by racist and fascist groups. The new manifestations of racism and racial discrimination were often attributed to economic misery. Yet surely the international community had a duty to take action to control rampant market forces and protect the fragile economies of developing countries.

13. The World Conference against Racism would provide another opportunity to consider the measures that would be required to eliminate all forms of racism. It should provide the occasion for a strongly worded declaration and reflect a serious pledge by the international community to translate the goal of eliminating racial discrimination into reality.

14. Mr. CHOWDHURY (Bangladesh) said that although the darkest chapter of institutionalized racism had passed into history with the end of apartheid, new forms of racial discrimination against minorities and foreigners had emerged. The policy of ethnic cleansing in the Balkans and the barbaric acts being perpetrated by war criminals against Albanians in Kosovo should be emphatically condemned.

15. Bangladesh was a signatory to the International Convention on the Elimination of All Forms of Racial Discrimination and it urged universal adherence to that instrument. At the same time, mere declarations of good intentions and commitments were not enough. What was required was effective enforcement of relevant legislation and the development of education and awareness about racism. Age-old prejudices and false notions of the supremacy of one race over another needed to be challenged. To that end, academic curricula should be revised to promote the principles of non-discrimination, tolerance and respect for diversity, and sporting or artistic exchanges should be encouraged in order to facilitate comprehension between different cultures. NGOs also had a role to play in sensitizing public opinion to incidents of racism and promoting tolerance and comprehension through awareness campaigns.

16. Bangladesh welcomed the decision of the General Assembly to follow up the proclamation of the year 2000 as the International Year for the Culture of Peace with an International Decade for a Culture of Peace and Non-Violence for the Children of the World (2001-2010). The following year, 2001, had been designated the International Year of Mobilization against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Year of Dialogue between Civilizations. Such events would no doubt strengthen the determination of States and the international community to eliminate all forms of racism and racial discrimination.

17. The report of the Special Rapporteur on contemporary forms of racism, racial discrimination and xenophobia and related intolerance (E/CN.4/1999/15) regarding neo-fascism, neo-nazism and ethnonationalism made alarming reading. The use of the Internet to spread racist propaganda worldwide was also a matter of great concern. Bangladesh therefore favoured the establishment of an intergovernmental working group that would draft guidelines for the ethical use of the Internet and the possible formulation of a code of conduct for Internet users and service providers.

18. Bangladesh believed that the World Conference against Racism should be held no later than 2001 and that the preparations for the Conference should focus on the plight of migrants, who were particularly at risk from discrimination. NGOs should also be encouraged to contribute to the preparatory process and the Conference itself.

19. Mr. GOPINATHAN (India) said that several years after the eradication of apartheid, racism remained a root cause of discrimination in all fields of human interaction. In a number of societies, it was a major cause of instability. Racism was taking increasingly violent forms including physical aggression and the murder of individuals belonging to ethnic, racial or religious minorities. At the same time, national legislation relating to the right of asylum and the free movement of persons was increasingly characterized by xenophobia, and in many parts of the world legislation criminalizing racial discrimination was inadequately enforced. The international media regularly reported incidents demonstrating the extent to which racist ideologies had spread to all areas of life. Social and political groups which advocated ideas based on racial superiority continued to thrive unhindered and electronic media such as the Internet were being misused to propagate racial intolerance.

20. In order to tackle the complex phenomenon of racism, the problem itself needed to be acknowledged and remedial measures had to be taken at all levels, local, national and international. Regrettably, within the United Nations system the issue of racism had not received the priority attention which it deserved. The Programme of Action of the Third Decade to Combat Racism and Racial Discrimination had been improperly implemented owing to insufficient resources; the request made by the General Assembly and the Commission on Human Rights to establish a focal point on racism in the Office of the High Commissioner for Human Rights had yet to be fulfilled. Moreover, attempts to confuse racism with other aspects of discrimination had meant that attention had been diverted from racial discrimination itself.

21. India hoped that the World Conference against Racism would lead to further debate and enable effective solutions to be found at national and international level. Preparation for the Conference was therefore essential. A number of important proposals had been made by members of the Commission and NGOs. It was vital to ensure that representatives of civil society, and especially victims of racism, should be able to contribute to the preparatory process.

22. The time was ripe for the international community to take effective action to put a stop to racism. The World Conference should be a vehicle for reaffirming its determination in that respect; it should also provide an opportunity to adopt informed decisions on specific measures and follow-up actions, particularly in those parts of the world where racism continued to flourish.

23. Mr. NENE (South Africa) commended the United Nations on its decision to hold a World Conference on such a sensitive subject as racism and xenophobia and assured it of South Africa's active participation. The South Africans, who had long been subjected to racial discrimination and segregation, knew from experience that a policy of racial oppression could only be a recipe for disaster and economic ruin. The Reconstruction and Development Programme currently under way in South Africa was one of the approaches adopted by the Government to redress the legacy of past regimes. The preamble to the South African Constitution reaffirmed South Africa's determination to heal the divisions of the past and to establish a society based on democratic values, social justice and fundamental human rights.

24. It was clear, however, that a World Conference alone could not be expected to solve all existing problems of racism worldwide. It was also incumbent on all Governments to adopt appropriate legislation, launch education campaigns and take effective practical action to counter racism. In that regard, the South African delegation supported the seven objectives established by the working group as a basis for the work of the preparatory meetings for the Conference. However, as little time remained for proper preparations, it appealed to the Secretary-General to ensure that adequate resources from the regular budget were made available for the purpose and also for follow-up to the World Conference. Furthermore, it strongly supported the elaboration of national and regional plans of action to address the scourge of racism in all its forms, including the use of the Internet to promote hatred and racist propaganda, and the adoption of coordinated initiatives to encourage active participation by NGOs and civil society in the process. The World Conference should not, however, be an end in itself. It should provide all countries with guidelines on short-, medium- and long-term action to eradicate racism at the local, regional, national and international levels. An intensive campaign should be mounted to that end.

25. South Africa had ratified the International Convention on the Elimination of All Forms of Racial Discrimination on 10 December 1998. In fulfilling its obligations as a State party, it was giving particular attention to articles 2 and 7 of the Convention dealing with legislative and other measures to be adopted in order to combat racial prejudice. Since the advent of democracy in South Africa, however, inter-State relations in southern Africa had taken on a new dimension, as a result of which

South Africa was having to grapple for the first time with a massive influx of asylum-seekers and migrants, both documented and undocumented, which had led to an increase in xenophobia. The South African Government shared the concerns expressed by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance in his report on his visit to South Africa (E/CN.4/1999/15/Add.1). Such manifestations of xenophobia were inconsistent with the basic tenets of the South African Constitution and Bill of Rights.

26. While continuing its action against factors that encouraged manifestations of xenophobia such as poverty, unemployment, crime and corruption, the South African Government had devised a strategy to counter the phenomenon. For example, the South African Human Rights Commission, with the assistance of the Office of the United Nations High Commissioner for Refugees, had held a series of consultative conferences culminating in October 1998 in the Braamfontein Statement, which condemned manifestations of xenophobia as a violation of human rights. The Statement had been followed by a National Plan of Action providing for nationwide public awareness and education campaigns to tackle xenophobia and focusing on the appropriate application of legislation and international instruments of relevance to non-nationals, and on the development of codes of conduct and training modules for immigration and law enforcement officials. In addition, specific measures to protect groups such as migrant workers, refugees and asylum-seekers were contemplated.

27. In conclusion, the South African delegation urged the international community and NGOs to do everything in their power to ensure the success of the World Conference against Racism, the outcome of which would be measured not in terms of the volume of documents produced but in terms of the concrete follow-up action taken by States.

28. Mr. PADILLA MENÉNDEZ (Guatemala), speaking also on behalf of the Latin American and Caribbean Group, joined previous speakers in calling for an increase in the financial and human resources available to the Special Rapporteur on contemporary forms of racism for the effective fulfilment of his mandate, given the persistence of such problems worldwide and, in particular, the spread of racist ideology.

29. The Latin American and Caribbean Group attached great importance to the working group to review and formulate proposals for the World Conference against Racism. It considered that the group should initially focus on questions of procedure and establish broad guidelines for the future, though without overlooking matters of substance. Like other recent world conferences, the Conference should produce a declaration, a programme of action and a follow-up mechanism and make specific recommendations for action deemed necessary at the national, regional and international levels. In that connection, the Latin American and Caribbean Group considered that the following questions deserved special attention during the preparatory proceedings and the Conference itself: assessment of progress in the fight against racism and factors conducive to racism and of the appropriateness of adopting new standards to counter racial discrimination; the recommendations of the Committee on the Elimination of Racial Discrimination on ways of improving implementation of the International Convention of the same name; ways of promoting tolerance through education and the media; relations between

globalization and racial equality and between racial discrimination and population movements; and monitoring of traditional and modern media, including the Internet, to bring about a balance between freedom of expression and the fight against racism.

30. The Latin American and Caribbean Group hoped that adequate funds from the regular budget would be made available to finance the World Conference and to allow for the participation of NGOs whose action against racism and racial discrimination was a useful adjunct to that of Governments. Given his familiarity with the subject, the Special Rapporteur should also be able to attend all the preparatory meetings for the Conference.

31. The Latin American and Caribbean Group was prepared to take resolute steps to ensure that the preparatory proceedings and the Conference itself produced not just statements and pledges but practical results in terms of effective enjoyment of human rights by all.

32. Mr. YU Wenzhe (China) said that, notwithstanding the international community's unremitting struggle through the United Nations to counter racism and racial discrimination, and notwithstanding the eradication of apartheid, racial discrimination still existed and xenophobia, neo-fascism and neo-Nazism were developing apace in many countries.

33. The World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance to be held in 2001 was therefore a significant event. The Chinese delegation considered that the international community should pay special attention at the Conference to new forms of racism. All relevant United Nations bodies should study such phenomena and prepare reports for the Conference on obstacles impeding action against them. In the context of the Conference, the United Nations should make a special effort to ensure that the Third Decade to Combat Racism and Racial Discrimination produced practical results. Countries should be urged in the same context to adopt political, economic, legal and educational measures to remove the causes of new forms of racism and to tackle related problems in their own territory.

34. Lastly, the United Nations and its competent bodies, especially the Commission on Human Rights, should place preparatory work for the Conference at the top of their agenda and channel all necessary resources and effort into the task. As the preparatory body for the Conference, the Commission on Human Rights had an arduous but glorious task to perform. The Chinese delegation was prepared to assist it in working for the success of the World Conference and in unremitting efforts to ensure that the twenty-first century was free from racism and racial discrimination.

35. Mr. SOMOL (Czech Republic) said that his delegation aligned itself with the statement made by Germany on behalf of the European Union. His country faced similar problems in its struggle to overcome racism, racial discrimination, xenophobia and related forms of intolerance, particularly against the Roma minority: specific cases were mentioned in the Special Rapporteur's report (E/CN.4/1999/15). Successive Czech Governments since 1993 had recognized the problem to be serious and had introduced various measures to deal with unlawful activities on the part of individuals and groups. The Criminal Code had been amended to allow for more severe sentences for racially

motivated crimes. Other measures included an amendment to the employment law, limiting discrimination in access to employment; the creation of the post of Government Commissioner for Human Rights, one of whose tasks was to coordinate anti-racist policies in relation to the relevant government authorities; and the establishment of a Council for Human Rights, which included representatives of civil society. NGOs also played a growing role in Czech society and had increasingly become important partners for the Government. Lastly, the Government had allocated 10 million Czech crowns for a nationwide anti-racist campaign. Systematic and long-term prevention must be a primary element in efforts to eliminate manifestations of racism. That involved promoting human rights education at schools of all levels and in the mass media. In the future, attention should also be focused on indirect, hidden or even unintentional discrimination.

36. His delegation was confident that the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance would have a positive impact if it was practically orientated and if it integrated not only the experience of various Governments but also that of NGOs.

37. Ms. ARRANAGA (United States of America) said that the issue of racism, racial discrimination, xenophobia and related intolerance was of great importance for her country, given its history and its long struggle to eliminate slavery and establish a solid legal system under which the civil rights of all Americans, irrespective of race, religion or ethnic origin, were protected and maintained. It was well known, however, that racial, religious and ethnic prejudice was deeply embedded in every culture, at its worst fuelling hatreds that could turn friends and neighbours into enemies and murderers, as in Bosnia, Kosovo, Rwanda, Chechnya, Afghanistan, Somalia and the Sudan. Even in the most peaceful regions of the world the complete elimination of prejudice was difficult.

38. She knew from personal experience, both because as a child she had herself been a victim of hate and prejudice due to her ethnic origin and because she was currently head of the Hate Crimes Suppression Unit of the District Attorney's Office in Los Angeles County, which was home to almost 10 million people and an incredible array of ethnic, national, religious and linguistic groups. Her unit had been created following community disturbances five years earlier. A series of community summits had been organized, enabling various groups to realize that many of their negative perceptions had been based on stereotypes and false assumptions about each other. Training programmes in cultural and racial sensitivity had been introduced for the police; and a network of state and federal law enforcement agencies, community groups, educational institutions and religious groups had been set up to develop preventive strategies against hate crimes. The District Attorney's Office had initiated a series of round-table discussions with local minority groups on ways to reduce racial tensions and promote reconciliation. In addition, to prevent prejudice from forming, a team of volunteers had been assembled to go into schools and talk about contemporary problems, including hate crimes. A new system had been adopted to process hate crime reports quickly, to provide the victims with immediate assistance, in conjunction with the Los Angeles County Human Relations Commission, and to prosecute the

perpetrators when preventive efforts failed. As a result, the number of hate crimes had decreased substantially in Los Angeles County. Other states had adopted similar policies.

39. At both state and federal level there were criminal and civil laws banning discrimination on the basis of race, religion, national origin, age, disability and gender. Note should also be taken of President Clinton's Initiative on Race, launched in 1997, which brought community leaders and ordinary citizens together throughout the country to discuss racial questions in open and public fashion. It was clear from programmes set up in connection with the Initiative that educating the American people was the key to combating racism. Another outgrowth of the Initiative had been the collaboration between state and federal programmes to reduce hate crimes. For example, her office had received a grant from the Department of Justice to develop a programme aimed at replacing incarceration for minors committing hate crimes with education, tolerance training and community service.

40. Her delegation hoped that the forthcoming World Conference would enable all countries to share their experiences in combating all forms of racism and intolerance. The Conference should draw on ideas from around the globe on ways of developing solutions to the problem, for no country had a monopoly on good ideas. Her delegation, which had actively participated in the discussions of the open-ended working group, looked forward to working with other nations, regional groups and NGOs in preparing for the Conference. Racism and all the many forms of prejudice it involved could be defeated, if all countries worked together to do so.

41. Mr. FARCAS (Romania) said that, while the complete elimination of discrimination was largely the responsibility of States, it remained nonetheless an important objective for the international community. The definition of discrimination used in the International Convention on the Elimination of All Forms of Racial Discrimination, adopted in 1965, had subsequently been clarified and expanded by the United Nations treaty bodies, which had set in motion new methods of strengthening their activities, particularly with regard to emergency procedures and field missions. They also reviewed the situation of countries which did not submit reports and the situation of various racial, ethnic, linguistic and religious groups, as well as that of foreigners and emigrants around the world. His delegation welcomed such developments and believed that better coordination of work between the various bodies would make their overall activities even more effective.

42. The fact was that intolerance and xenophobia were gaining ground throughout the world. Most States were aware of the phenomenon and adopted measures to repress its most blatant forms; but it was generally acknowledged that racial discrimination was a societal problem that could not be dealt with by the courts or punishment alone. In those circumstances, the solution lay in educating people to respect difference and multiculturalism. National and international NGOs had a growing role to play, both in that regard and in monitoring State activities. The role of the information media went without saying. Both journalists and Governments should develop ways of dealing with racist messages and incitement to discrimination and intolerance, so that one person's freedom of expression did not impinge on another person's dignity. The World Conference ought to have a real impact on the situation by raising

The World Conference ought to have a real impact on the situation by raising general awareness of the seriousness of racial discrimination and the need to work on both its effects and its causes. It should also help the relevant international bodies to function more effectively and encourage greater cooperation between those bodies and States Members of the United Nations.

43. His Government constantly strove to prevent and combat all forms of racial discrimination. It had adopted measures aimed at young people and law enforcers, among others. The many national NGOs had developed and diversified their programmes to raise awareness of international standards and practices.

44. Mrs. HEGGE (Norway) welcomed the holding of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, which should make a valuable contribution to addressing those issues at the international and regional levels as well as at the national level. Her Government had decided to give priority to measures to ensure that everyone, regardless of background, had an equal opportunity to take part in the life of society. It had submitted an action plan for 1998-2001 to prevent racism and discrimination. In early 1999, a centre for the prevention of ethnic discrimination had been opened in Oslo to help monitor developments in that field and to provide legal aid to persons exposed to discrimination. The centre would prepare annual reports and propose measures to prevent ethnic discrimination in society. One of the foremost tasks of Norwegian educational institutions was to promote equal opportunities for all and to combat discriminatory attitudes. That goal was clearly reflected in the school curricula. Among the challenges to Norwegian society was the fact that the unemployment rate among immigrants was considerably higher than the rate for the rest of the population. It was of crucial importance to her Government to give international protection to those in need, particularly to children.

45. In order to have maximum impact, the preparations for the World Conference must be action-oriented, constructive, conclusive and as inclusive as possible. The Council of Europe, assisted by the European Commission against Racism and Intolerance, was coordinating the preparatory work for the European conference on racism, racial discrimination, xenophobia and intolerance, which would take place in the autumn of 2000 with a view to formulating recommendations that could provide constructive input for the World Conference. The Organization for Security and Cooperation in Europe (OSCE) was also active in pursuing tolerance and non-discrimination in Europe. The Office for Democratic Institutions and Human Rights should continue its cooperation with member countries to assist them in adopting legislation that countered aggressive nationalism, racism, chauvinism and xenophobia. In 1992, OSCE had established the post of high commissioner for national minorities in order to provide early warning of ethnic tensions in the OSCE region.

46. In conclusion, she said that children and young people were particularly vulnerable to racism and racial discrimination. At an age when their personality was being formed and their sense of their own identity being established, the denial of the possibility of individual development was particularly devastating. The environment and the values necessary to improve their future should be provided for children.

47. Mr. KARIYAWASAM (Sri Lanka) said that individual and collective failures to realize the noble principles enshrined in international human rights instruments made it necessary to continue the fight against racism and racial discrimination.

48. Like the rest of the world, Sri Lanka, which took pride in its multi-ethnic, multicultural society in which human rights and fundamental freedoms were guaranteed under the Constitution, must guard against extremist groups that preached ethnic exclusivity and racial segregation and were ready to do anything to achieve their objectives. The World Conference must, in his delegation's view, unequivocally condemn terrorism and violence as a means to propagate ideologies based on racism. Abuse of the Internet for such purposes was a matter of grave concern and consideration of that problem should be prominent on the Conference's agenda. While he welcomed the documentation on the efforts to convene the Conference, particularly the report of the High Commissioner for Human Rights (E/CN.4/1999/12), he regretted the fact that it had not been made available earlier. The complexity of the subject made it necessary to refine ideas on both procedure and substance in connection with the Conference. For his delegation, it was essential to ensure universal participation in the Conference, without which its purpose would be defeated.

49. It was also necessary to take into account the evolution of the phenomenon of racism. Racism should, in theory, disappear with the globalization of societies and the integration of economies. Yet even in the so-called advanced societies, transnational migration and the search for social and economic emancipation strained social values and ethics built up against racism. The global village and the information revolution appeared to beget new trends and more subtle methods of racial discrimination. Those new trends required close scrutiny and careful delineation of the causes and effects before recommendations were elaborated for submission to the World Conference. Global interdependence also required societies to adjust their societal values in order to promote unity and diversity. The Commission had adopted many recommendations that could serve as a basis for universal consensus at the World Conference. It was necessary to focus on those recommendations and methods that would promote multiculturalism in societies. The opinions of experts in the field of human rights must also be solicited, collected and synthesized in such a manner as to promote global consensus.

50. His delegation was anxious to take part in the efforts to ensure a successful World Conference with the elaboration of universally accepted norms and believed that it was up to the United Nations to abolish the menace of racism in the next millennium.

51. Mr. JANSANS (Latvia) said that Latvia attached great importance to the elimination of racial discrimination and xenophobia both at the domestic level and internationally. The report of the High Commissioner and the report on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (E/CN.4/1999/15) prepared by the Special Rapporteur, Mr. Glélé-Ahanhanzo, had rightly emphasized police violence, anti-Semitism and discrimination against blacks and others. Those reports must set the context for the preparations of the World Conference. The Special Rapporteur

had successfully overcome the tendency to inflate the issues of racism and xenophobia by bringing in problems that had nothing to do with those phenomena.

52. In 1998, Latvia had submitted its initial report on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, which had assessed problems facing the country. The Latvian Government was fully aware that the country's prosperity and development depended on its ability to establish conditions that would sustain a balanced, multi-ethnic society, including the adoption of legislation.

53. For example, article 69 of the Criminal Code prohibited incitement to racial hatred. Legal proceedings had already been initiated under that article following the discovery of racially motivated graffiti on the wall of the synagogue in Riga. The Constitution adopted in late 1998 contained a section on human rights which provided that all persons in Latvia were equal under the law and that their human rights were to be exercised without any kind of discrimination.

54. His delegation believed that the topic of racism affecting migrants, refugees and asylum seekers should be properly addressed at the World Conference. It had acceded to the Convention relating to the Status of Refugees and to the relevant protocols and had incorporated them into domestic law. Eliminating racism was within the reach of the international community. To that end, international cooperation and bilateral measures such as the conclusion of readmission agreements must be reinforced and the application of existing international instruments must be improved.

55. Mrs. RUSTAM (Indonesia) said that her country shared the view that racism was not inborn but an acquired prejudice that fed on ignorance. It followed that education played a central role in the campaign against racism. Her delegation firmly believed that coordination between the various human rights bodies and UNESCO must be strengthened with a view to developing the necessary strategies in the fields of education, culture and information in order to address the root causes of all forms of racism. Indonesia also hoped that the suggestion that the year 2001 be proclaimed as the year of dialogue among civilizations would be taken up, and that that year would be a significant milestone on the way to strengthening peaceful coexistence, mutual understanding and tolerance among societies.

56. As a country of more than 200 million inhabitants from diverse ethnic backgrounds spread over more than 17,000 islands, Indonesia had to strive to maintain harmony for the sake of national unity by ensuring that its laws did not favour one group of citizens over another. Racism had never been an issue in Indonesia, but that could not be taken for granted in the face of the combined processes of political transformation and economic crisis. The riots of May 1998 had resulted in horrendous abuses, some of them with racist connotations. That tragedy had underlined the importance of maintaining harmony among races and ethnic and religious groups. The Indonesian Government had immediately taken steps to investigate the human rights violations that had been committed, provide assistance to the victims and, above all, prevent the repetition of such incidents. Measures had also been taken to improve protection for the various ethnic groups in Indonesia,

including those of Chinese origin. The Government was currently reviewing its legislation to ensure that all citizens were treated equally before the law in conformity with the principles set out in the Constitution. It had abolished the use of identifying codes on the identity cards of Chinese Indonesians. Presidential Decree No. 26/1998, issued on 7 September 1998, instructed all government officials to abolish the use of the words "pribumi", meaning indigenous Indonesians, and "non-pribumi", referring to Indonesians of foreign descent, and to provide equal treatment to all citizens without distinction as to race, ethnic origin or religion. The decree also envisaged the appointment of a team to review all laws and regulations with a view to ensuring their non-discriminatory nature. Finally, Parliament was soon to take a decision on ratification of the International Convention on the Elimination of All Forms of Racial Discrimination.

57. The Indonesian Government considered that the World Conference would be the proper forum for formulating concrete recommendations to increase the effectiveness of existing machinery used to combat racial discrimination and to adopt additional measures at the national, regional and international levels. With regard to international efforts, Indonesia favoured the promotion of dialogue, mutual understanding and tolerance as well as enhanced cooperation and participation as the first steps toward gradual realization of a global civil society in which racism, racial discrimination and xenophobia would become things of the past. A commitment in that direction would strengthen respect for the human rights of all individuals, and in particular, those of persons belonging to national, ethnic, religious and linguistic minorities.

58. Mr. ZAFERA (Madagascar) expressed his delegation's serious concern at the conclusions contained in the reports of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (E/CN.4/1999/15) and of the High Commissioner for Human Rights (E/CN.4/1999/12) under agenda item 6. The conclusions made it clear that, despite the efforts undertaken, racism, racial discrimination, xenophobia and intolerance still persisted in subtle or violent forms and that efforts to combat those practices should therefore be intensified. The international community could not allow the destructive seeds of those evils - which, in some parts of the world, were accompanied by a rise in neo-fascism or neo-Nazism - to ripen. Some speakers had remarked upon the negative outcome of the previous two Decades to Combat Racism and Racial Discrimination and the lack of interest shown in executing the Programme of Action for the Third Decade, which, owing to scant financial resources, had given rise to only a very small number of activities since its beginning in 1993. The convening in 2001 of the World Conference on Racism and Racial Discrimination offered an excellent opportunity to recommend effective new measures at the national, regional and international levels to combat those phenomena, which constituted serious breaches of human rights. In the meantime, efforts should be made to mobilize funds for the United Nations and to strengthen the means employed to promote the ratification of international instruments and to sensitize public opinion. In anticipation of the conclusions of the Working Group set up to formulate proposals for the World Conference, his delegation fully supported the proposals contained in paragraphs 74, 77, 104 and 114-116 of the report of the High Commissioner, which ought to enable the Conference to recommend some effective measures.

59. Madagascar would continue, to the extent of its ability, to contribute towards the crusade against racism. It was to be recalled in that connection that his country had adopted a Constitution which not only prescribed the promotion and protection of human rights but also prohibited all discrimination on grounds of sex, level of education, origin, race, religious creed, opinion or wealth. The Malagasy Criminal Code also provided penalties for anyone who, on the ground of race, sex or opinion, denied a person the enjoyment of a right to which that person was entitled. The penalty was doubled if the perpetrator of the breach was a representative of public authority acting in the exercise of his or her duties.

60. Mr. CHELIA (Argentina) remarked that education, which was called upon to promote understanding, tolerance and friendship among all nations and all ethnic or religious groups, was one of the keys to the success of the struggle against discrimination.

61. In Argentina, the 1988 Act against discrimination was being fully implemented. Under that Act, the fact that an offence had been committed for reasons pertaining to race, religion or nationality constituted an aggravating circumstance. Furthermore, the National Institute against Discrimination, Xenophobia and Racism, which came under the Ministry of the Interior, had been entrusted with the elaboration of specific measures aimed at combating those practices. In conformity with its policy of combating discrimination, Argentina had in May 1998 extradited the former Captain Dinko Sakic and his wife to Croatia, where they were currently being tried for war crimes committed at the Jasenovac concentration camp during the Second World War. That decision confirmed Argentina's position that crimes against humanity committed on racist grounds should not remain unpunished.

62. His Government supported the holding of the World Conference against Racism and would contribute to the work of the inter-sessional working group set up to prepare the Conference.

63. Mr. IVANOV (Russian Federation) said that, although racism no longer formed part of the official doctrine of any country, it still existed in practice in new forms which called for the adoption of more effective techniques of combating it. His delegation, while sharing the concerns expressed by the Special Rapporteur in his report (E/CN.4/1999/15) regarding the rise in neo-fascism and neo-Nazism - inter alia, in certain European countries where a Day of ex-members of the SS was officially celebrated - regretted the Special Rapporteur's renewed failure to mention the situation in countries which persisted in refusing to submit reports to the Committee on the Elimination of Racial Discrimination. On the eve of the World Conference against Racism, an exhaustive picture of the situation in all countries would be of the utmost value.

64. As the High Commissioner pointed out in her report (E/CN.4/1999/12), racism was not an inborn defect but a product of the social environment, and prevention was therefore of crucial importance. The World Conference against Racism should arrive at conclusions and recommendations that would help to improve the coordination of international action in that field. In the meantime, it was essential to intensify preparations for the Conference by holding regional meetings of experts and by associating specialized agencies

of the United Nations and NGOs with the preparatory activities. Care should be taken, however, to ensure rational use of United Nations resources while, at the same time, seeking other sources of funding.

65. The Russian Federation, with its immense territory and large population, was no freer than other countries from ignoble practices of segregation on grounds of race, ethnic origin or nationality. The economic crisis had merely accentuated those phenomena and had led to a recrudescence of manifestations of extremist nationalism. Russian society severely condemned such behaviour, in particular through the press. But condemnation was not enough. For that reason, the President of the Federation and the Government had, in the autumn of 1998, firmly and unanimously opposed the anti-Semitic declarations of some deputies to the State Duma. Furthermore, the Government had submitted to Parliament two draft Acts, one on combating political extremism and the other on the prohibition of fascist emblems and literature. A third draft Act aimed at prohibiting fascist propaganda in the Russian Federation was in preparation. However, measures taken at the national level remained inadequate to stem the multiple forms which racism and racial discrimination were assuming today. It was to be hoped that the World Conference against Racism would help to find new ways of joining forces to combat that scourge. Everything should be done forthwith to ensure that the Conference produced concrete results so that it could be said by future generations that the end of the twentieth century had also represented the end of racism, racial discrimination and xenophobia.

66. Mr. DISHAND (Sudan) said that there were international instruments which called upon the international community to undertake practical measures to combat all forms of racism, racial discrimination and xenophobia.

67. In the Sudan, the 1998 Constitution recognized the country's multiracial, multi-cultural and multi-religious character and guaranteed the right of every community or group of citizens to preserve its particular culture, language and religion. The Khartoum Peace Agreement of April 1997, signed by the Government and seven factions from southern Sudan, recognized the right of the people of that region to exercise self-determination through an internationally supervised referendum. That agreement, as well as the subsequent peace agreement concerning the Nuba Mountains, clearly established the multiracial, multi-ethnic and multi-religious character of Sudanese society, where rights and duties were based upon citizenship. In that context, it was to be recalled that an expert from the Committee on the Elimination of Racial Discrimination had found the Sudanese Constitution and the two peace agreements to be consistent with article 1, paragraph 4 and article 2, paragraph 2 of the International Convention on the Elimination of All Forms of Racial Discrimination, which provided that States parties were entitled to take measures to secure the advancement or protection of certain racial or ethnic groups. With regard to xenophobia, the Sudan continued to provide a safe haven to refugees and migrants from neighbouring countries, who enjoyed equal access to public services with Sudanese citizens.

68. The two previous World Conferences to combat racism had rightly affirmed that foreign domination and occupation, economic and political oppression, social injustice and cultural contempt were the root causes of discrimination

and tension. His delegation fully supported the efforts being exerted in connection with the convening of the forthcoming World Conference and called for every effort to be made to ensure its success.

69. Ms. BAUTISTA (Philippines) said that 50 years after the adoption of the Universal Declaration of Human Rights, the evils of racism and xenophobia had not disappeared and were assuming new forms, as evidenced by the existence of 400 Internet sites promoting them. The point at issue was not to place undue restrictions on the freedom of expression but, rather, fully to implement article 20, paragraph 2 of the International Covenant on Civil and Political Rights, which provided that "any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law". In that connection, States would be well advised to re-examine some aspects of their human rights education policies so as to ensure that citizens in general, and children in particular, were aware not only of their rights and freedoms but also of their duties and responsibilities towards other people, their families and communities, the State and the international community.

70. Her Government called on countries which had not yet done so to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families with a view to achieving its early entry into force. It also supported the proposed Protocol on the Trafficking of Migrants supplementary to the proposed Convention against Transnational Organized Crime. It further supported the establishment by the Commission on Human Rights of a mandate for a special rapporteur on the rights of migrant workers.

71. With respect to indigenous peoples, Philippine law recognized their right to ancestral lands, to self-governance and empowerment and to respect for the integrity of their values, practices and institutions.

72. Lastly, her delegation invited all States to work towards the early conclusion of the proposed Protocol on Trafficking in Women and Children supplementary to the Convention against Transnational Organized Crime. It hoped that the World Conference against Racism would not only arrive at solutions to the problem in general but would also help to meet the specific needs of highly vulnerable groups.

73. Mr. ROSENBERG (Ecuador) said that not only had racist and xenophobic ideas not disappeared, they were still being disseminated by means of modern techniques which were themselves a symbol of the progress of civilization. Ecuador had always taken part, in particular in the United Nations, in the fight against racism and racial discrimination, especially apartheid, the dismantling of which should encourage the continuation of the efforts to attain the objectives set in the Universal Declaration of Human Rights. Ecuador had endorsed the decision to organize the World Conference against Racism and firmly supported the working group which would be responsible for preparing it.

74. Ecuador's National Human Rights Plan envisaged involving its indigenous and Afro-Ecuadorian peoples in the formulation and implementation of measures to satisfy their needs. The State and civil society were thus working together to eliminate racial hatred and intolerance.

75. Attention must also be drawn to the importance of the role played by human rights education, particularly of young people, in the fight against intolerance and discrimination.

76. Mr. NDIAYE (Senegal) said that the World Conference against Racism should reactivate the fight against racial discrimination and xenophobia, a fight which must be an essential element of the efforts of the United Nations to attain the objectives set in its Charter. That was why Senegal had made a particular commitment to the preparations for the Conference. Much remained to be done to eliminate the scourge of racism, which was ever-present. However, it was worth recalling that the United Nations was no more than the sum of its Member States. Each State bore the primary responsibility for ensuring the observance and effective application of the international instruments which it had ratified and the laws which it had adopted. In fact, in many countries where the law prohibited discrimination, discriminatory practices nevertheless persisted in everyday life, in the workplace, in the schools and elsewhere. It was therefore necessary, through education and information, to put an end to irrational reflexes which were often due to ignorance, fear and prejudice.

77. The World Conference against Racism must not be regarded as an end in itself but as a potent means of strengthening the dialogue and cooperation among nations in a spirit of solidarity and of respect for cultural diversity.

78. Mr. NOTHE (Poland) said that the convening of the World Conference against Racism at the dawn of the twenty-first century would afford the international community an opportunity to launch extensive information and education campaigns in order to eliminate racist prejudices and make people understand that the diversity of cultures, nations and religions could be a source of mutual enrichment. In fact, however necessary they were, laws prohibiting racism and xenophobia could not of themselves change attitudes.

79. The States which had not yet done so should ratify the International Convention on the Elimination of All Forms of Racial Discrimination and make a declaration, in accordance with article 14 of that instrument, recognizing the competence of the Committee to receive and consider communications from individuals. Poland had made that declaration in 1998 and had complied with the recommendations made by the Committee following its consideration of Poland's latest periodic report.

80. Poland also intended to take an active part in the preparations for the World Conference and in the organization, under the auspices of the Council of Europe, of the European Conference against Racism. The World Conference and the preparatory work should provide an opportunity for generating a broad debate on the subject in the media and for strengthening the cooperation between NGOs and public bodies in the field of information, as well as for producing studies on racism, intolerance and xenophobia directed against potentially vulnerable groups.

81. Mr. AMAT (Cuba) said that the emergence of new and pernicious forms of racism, racial discrimination and xenophobia was particularly worrying in the developing countries where, taking advantage of the anxieties and the social crisis caused by the excessive liberalization of markets and economic globalization, neo-fascist and neo-Nazi parties were gaining ground and disseminating extremist and xenophobic ideas aimed not only against racial and ethnic minorities but also against migrant workers. Migrant workers were subjected not only to verbal and physical abuse by militants of the extreme right but also to institutionalized racism, especially on the part of increasingly repressive police forces. The Special Rapporteur's report on contemporary forms of racism (E/CN.4/1999/15) gave many examples of that situation. In the United States, for instance, 43 per cent of arrests, 54 per cent of convictions and 59 per cent of prison admissions concerned African Americans, who accounted for scarcely 13 per cent of the total population. In the Czech Republic, an unjust law denied the Roma or Gypsy population many fundamental rights, including the right to vote and the right to receive social benefits, as well as providing for their expulsion if they were found guilty of an offence.

82. With regard to the use of the Internet to disseminate racist ideas, it should be remembered that in its recommendation XV (42) the Committee on the Elimination of Racial Discrimination had stated the view that the prohibition of ideas based on racial superiority or racial hatred constituted a legitimate restriction of the freedom of opinion and expression and was perfectly compatible with article 19 of the Universal Declaration of Human Rights.

83. In view of the apathy and lack of interest of the main donors, the costs of implementing the Third Decade to Combat Racism and Racial Discrimination should be charged to the regular budget of the United Nations.

84. Lastly, Cuba recognized the importance of the African Group's contribution to the preparations for the World Conference against Racism and would do everything possible to make the Conference a success.

The meeting rose at 1 p.m.

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Fifty-fifth session

SUMMARY RECORD OF THE 8th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 30 March 1999, at 3 p.m.

Chairman: Mrs. ANDERSON (Ireland)

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GE.99-11796 (E)

The meeting was called to order at 3 p.m.

STATEMENT ON BEHALF OF THE MINISTER OF STATE IN CHARGE OF FOREIGN AFFAIRS OF CAMEROON

1. Mr. MVONDO AYOLO (Cameroon), speaking on behalf of Mr. Kontchou Kouemegni, Minister of State in charge of Foreign Affairs, said that the national programmes established by the Member States of the United Nations should reflect the achievements of the past 50 years, in accordance with the relevant General Assembly and Commission resolutions. In honour of the anniversary of the Universal Declaration of Human Rights, Cameroon had undertaken a massive, six-month national programme of celebration, during which the first session of the Children's Parliament had been held in the National Assembly. The children had questioned members of the Government on the management of the city and on the promotion and protection of human rights. In order to raise awareness of human rights, care had been taken to ensure the participation in the celebrations of representatives of every section of society, of each of the country's 10 provinces and of every town within each province.

2. The programme had culminated in the inauguration in Yaoundé of a square and a monument dedicated to human rights. To be repeated in towns up and down the country, the dedication would be a mark of Cameroon's commitment to the promotion and respect of human rights for all, as a fruit of the policy its President had implemented methodically and determinedly since 1982.

3. Millions of people around the world, however, still lived in ignorance or poverty, in the grip of hunger or oppression. Since development, human rights and democracy were interdependent, his Government was in favour of a concerted effort to promote human rights. Specific actions could include the building of some form of pantheon, in which the world could honour those who had best served the cause of human rights; the inclusion of a new generation of rights in the Universal Declaration, taking account of the social, scientific and technical developments over the years; and the establishment of a universal international human and peoples' rights court that would affirm the primacy of the force of law over the law of force.

4. His Government was also in favour of increasing and strengthening the technical assistance of the United Nations advisory services. It had taken the step of introducing human rights into school and higher education curricula and disseminating human rights through the use of modern technology and training, thus helping to make the third millennium the millennium of human rights.

5. Cameroon's right to live in peace had been violated since December 1993 by the armed, illegal occupation of the peninsula of Bakassi by Nigerian forces. Since early 1994, his Government had been appealing to the Security Council, the Organization of African Unity (OAU) and the International Court of Justice; and it had complied with the Court's decisions despite the numerous violations perpetrated by the Nigerians.

6. The reciprocal repatriation of prisoners of war in December 1998 had led the international community to assume that relations between the two countries

were returning to normal. Unfortunately, however, the Nigerian provocations continued, with the construction of public buildings and the organization of local and national elections in the occupied Cameroon territory. His Government therefore called on the international community to provide active assistance in maintaining the peace both during and after the expected judgement of the Court, with which both sides should scrupulously comply.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF NIGERIA

7. Mr. OLISEMEKA (Nigeria) said that, during the century that was drawing to its close, much had been achieved in the field of human rights - most recently the establishment of the Permanent International Criminal Court - but there had also been excesses and failures. Much of humanity still remained impoverished, deprived of the real benefits of the unprecedented economic growth and technological improvement.

8. The protection of human rights constituted an investment in global peace and security. Aware of the importance of a conducive environment for the enjoyment of political, social, economic and cultural rights, including the right to development, his Government would continue to fulfil its obligations under major international instruments, not least because they were in tune with the core values of Nigeria's history, culture and traditions.

9. In previous years, it had been difficult for his predecessor to provide justification for the then Government's activities but, since June 1998, far-reaching measures had been adopted to consolidate national cohesion, develop the economy and create an environment conducive to the enjoyment of human rights. A Transition Programme for a return to civilian rule had been put in place. Elections adjudged free and fair by the majority of the people and international observers had been held, rekindling hope in the political process.

10. There was no longer a single political prisoner in Nigeria. Even those who had plotted against the Government were free. Several decrees impinging on fundamental freedoms had been repealed or amended. While Decree No. 2 was still on the statute book, its provisions had not been invoked against any individual under the current Administration and the necessary machinery had been set in motion to review it, along with all other legislation, so as to bring it into conformity with his Government's international obligations.

11. The independence of the judiciary had been reinforced through improved conditions of service for judges and legal officers. More judges had been appointed. The Government had also undertaken an extensive reform of the prisons by acting to prevent overcrowding and improve living conditions for prisoners and service conditions for personnel.

12. Freedom of association for all trade unions had been fully restored. Workers had conducted elections and the Nigerian Labour Congress had acquired a democratically elected leadership. The press and electronic media enjoyed unfettered freedom and their role in building support for democratic governance and accountability in Nigeria was cherished. The Government's erstwhile critics had warmly welcomed all those changes.

13. Conscious of the links between sustainable democracy, stability and development, the Administration had embarked on major economic reform to stimulate growth and encourage investment. It was gratifying that, in spite of the unfavourable external economic environment, investor confidence had returned.

14. There was thus no longer any justification for the retention of the mechanism of the Special Rapporteur on the situation of human rights in Nigeria. It was time to move beyond General Assembly resolution 53/161, which recognized the improvements that had been made since 1994 when the situation of human rights in Nigeria had first appeared on the Commission's agenda, and to revoke the Special Rapporteur's mandate. The Commission might also wish to commend the Nigerian Head of State on the courageous steps he had taken.

RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND ALL FORMS OF DISCRIMINATION (agenda item 6) (continued) (E/CN.4/1999/12, 15 and Add.1 and 17; E/CN.4/1999/NGO/4, 5, 6 and 60)

15. Mr. MOHI (Observer for Hungary) said that the Council of Europe had already begun preparatory work on its contribution to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, notably through the organization of a European Conference on the same theme, in order to demonstrate that combating racism and intolerance was an integral part of the protection of human rights and that the European Governments gave priority to the matter. In view of the multicultural nature of European societies, the European conference would focus on ways to promote that cultural diversity for the benefit of democratic societies. It would also demonstrate that tackling racism was not a question of imposing solutions but rather of finding ways of working together. The Council had had previous experience in hosting interregional meetings prior to world conferences.

16. An ad hoc meeting of government experts in February 1999 had indicated that the European Conference should be forward-looking, practical and action-oriented. It should also provide a forum for the communities concerned and increase public awareness. The meeting had underlined the need for the broadest possible participation by relevant non-governmental organizations (NGOs). Initiatives had also been taken to provide financial support for NGO participation.

17. Mr. MERIC (Observer for Turkey) said that there had been a resurgence of racism in new and more subtle forms. It was not racism as an official policy but it arose under the noses of Governments in the midst of multicultural, often prosperous, societies and was due, above all, to latent, institutionalized discrimination in the structure of employment. Migrant workers had settled permanently in their adopted countries; in some cases the third generation had entered the labour market. At a time of rising unemployment, therefore, intolerance of migrant workers, who were racially despised and regarded as subhuman, was on the increase. The migrants reacted defiantly, embracing their traditions and religion yet more closely, and the racism directed at them correspondingly intensified.

18. In Europe, the competition in the distribution of power between nation States and the European Union institutions gave rise to a feeling that the

nation State was disintegrating. Many groups were undergoing an identity crisis and some were being diverted from patriotism to extreme forms of nationalism or even racism. That situation was compounded by the fact that some inhabitants of European countries were citizens with full rights and others were alien residents with limited rights. The leaders of ultra-right parties stoked the fires of racism and xenophobia with talk of "cultural relativism".

19. He was concerned at the increasing use of the Internet and other new communication technologies for the purpose of disseminating racist ideology. Developing an ethic for the use of such technologies would not impinge on the freedom of expression; new technologies should rather help to combat racist opinions. He reiterated his Government's support for the forthcoming World Conference.

20. Mr. VIGNY (Observer for Switzerland) said that, although the prohibition of racial discrimination was part of international law, the reality was that racism still existed. The forthcoming World Conference should therefore focus on preventive and educational measures. Europe was already preparing for the Conference. A preliminary meeting, attended by the 40 member countries of the Council of Europe, had singled out four main objectives: legal protection against racism at the national, regional and international levels; policies and practices against racism at the national level; awareness-raising and education to combat racism at every level; and the role of the media and the new technologies. One goal, spanning all four focus points, should be to examine the situation of all groups and individuals who were vulnerable to racism, at the same time considering prevention, contemporary forms of racism, collective memory and globalization.

21. His Government was particularly concerned to combat the expression of racist opinion on the Internet, which was a clear abuse of the freedom of opinion and expression. Individual responsibility or codes of conduct at the national or international levels were not sufficient. There should be international legislation to make such activities a criminal offence, despite the political, technical and procedural difficulties. His Government thus intended to convene an international conference on ways of combating racist and anti-Semitic sites on the Internet. The measures that emerged from the conference would then be submitted to the World Conference for adoption at the global level.

22. His Government was also in favour of the widest possible participation by NGOs in the World Conference and the preparations for it, given the importance of the role played by civil society. In that context, his delegation believed that sport - particularly team sports - could play a positive role in combating racism, although it could also have a negative effect if it became the tool of nationalism. International sporting bodies should thus be encouraged to participate in the World Conference, as both partners and sponsors. The financial problems facing the World Conference could, indeed, be partly resolved thereby. States and other interested institutions should, in any case, be asked for voluntary contributions.

23. The Swiss Federal Commission against Racism, an independent institution, though represented on his delegation, would continue its preparations for the

World Conference. It had recently issued a major report on anti-Semitism in Switzerland and was currently drawing up recommendations to ensure harmonious coexistence with the approximately 300,000 Muslims living in Switzerland.

24. Mr. MONTENEGRO MALLONA (Observer for Nicaragua), speaking on behalf of the Central American Group of countries (GRUCA), expressed concern at the appearance of new forms of racism around the world. The international community must intensify its efforts to eliminate all forms of intolerance, particularly through education, which could help to create new generations free from prejudice. National programmes to inculcate the values embodied in the Universal Declaration must be actively promoted. Social programmes and school curricula should promote awareness and respect for different cultures, while immigration policies should be reviewed with a view to eliminating discriminatory practices. The information media, including the Internet, had a significant role to play in that regard.

25. The notion of shared responsibility in the fight against racism and racial discrimination was of particular importance as the Commission began preparing for the World Conference. He expressed support for the statement made at the previous meeting by the representative of Guatemala on behalf of the Group of Latin American and Caribbean States (GRULAC) and commended the Working Group on the progress it had achieved on procedural and substantive issues at the Commission's current session. Broad-based participation in regional preparations for the World Conference was essential. He agreed with the High Commissioner that the Conference should focus on the adoption of practical measures, and he urged that adequate resources be made available to ensure the success of the Conference.

26. Mr. KHORRAM (Observer for the Islamic Republic of Iran) said that many forms of racism were on the rise even as the international community prepared for the World Conference. His Government had offered to host the Asian regional preparatory meeting for the Conference and urged that adequate financing for all the regional conferences be secured. As a culture of tolerance in national societies and the international community as a whole was essential to protecting human rights and discouraging racism and racial discrimination, the Conference must identify ways and means of promoting tolerance.

27. He was concerned at the rising trend towards discrimination and violence against Muslims. The phenomenon of "Islamophobia" rightly fell within the mandate of both the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and the Special Rapporteur on religious intolerance and should therefore be studied by both.

28. Mr. TEKLE (Observer for Eritrea), acknowledging that significant strides had been made in eradicating racism and related problems, said that reverses had occurred in some parts of the world, including Europe and Africa, particularly in the Great Lakes region and the Horn of Africa. His own country had itself suffered from ethnic policies and the concomitant violations of human rights.

29. The Government of one of the countries of the region had made ethnic origin a criterion for perpetrating acts that harmed individuals and their

property. Many of the victims of those violations were, in fact, citizens of the country that perpetrated them, yet the Government of that country did not distinguish between those Eritreans who were citizens there and those who were not.

30. The policy pursued by the State in question was based on the supremacy of the economic and political interests of the ruling ethnic group. The home territory of that group was being expanded at the expense of other parts of that State or neighbouring States, by either legislative or bellicose means. Ethnic hatred was officially sanctioned and promoted. Such a system provided no opportunity for democratic dialogue or dissent. The bloodshed and violence in that region which had been predicted in the Commission by an NGO three years previously had become a reality.

31. The leader of the country in question had repeatedly declared that his Government had the unrestricted right to deport foreigners on ethnic grounds and that such a policy did not concern the international community. However, human rights were a legitimate concern of everyone and he therefore requested the Commission to extend the mandate of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to include ethnic discrimination and intolerance in the Horn of Africa.

32. Mr. MENGESHA (Observer for Ethiopia) said that the definition of racial discrimination in the International Convention on the Elimination of All Forms of Racial Discrimination was broad enough to encompass distinctions based on national or ethnic origin. A State was thus unable to declare that it had no policy based on such distinctions even as it persecuted people on those grounds. Such situations had become commonplace for thousands of persons living under brutal regimes, particularly in time of war.

33. Moreover, when a State was defeated in a war, it was liable to take vindictive measures against innocent civilians belonging to the victor's ethnic group, even when it was clear that such individuals had played no role in the conflict. Persecution was encouraged by racist propaganda irresponsibly disseminated by the Government. Such criminal acts, which constituted grave breaches of international humanitarian law, were being committed against Ethiopian nationals by the authorities of a neighbouring country, who should be held responsible for their war crimes and human rights violations.

34. Mr. JOKONYA (Observer for Zimbabwe) said there was no doubt that colour still constituted the point of reference in so-called civilized societies. The bravado of the individuals who had recently perpetrated racist murders in the United States of America merely reflected the bigotry inherent in society at large. Unless the international community went beyond verbal pronouncements and fundamentally changed the world's socio-economic and political structure, such racism would persist.

35. The international community's apparent reluctance to eliminate racism derived largely from its failure to accept that gross violations of human rights were its legitimate concern. The High Commissioner had rightly noted

that States must not only create suitable legal systems but must also promote basic humanitarian values and actively enforce measures to combat racial prejudice.

36. He commended the report of the Special Rapporteur on contemporary forms of racism (E/CN.4/1999/15) but noted with dismay its account of racist candidates campaigning for political office in various countries. The report also provided disturbing information about new forms of racism, particularly in developed countries, including institutionalized discrimination against immigrants. Unfortunately, even the enactment of stringent legal measures to prevent racism were ineffective without a relentless commitment to their unbiased implementation. Efforts to promote tolerance must be made at the level of the family, since children learned racism from their elders. The international community should support the convening of the World Conference and demand that adequate resources be provided to ensure its success.

37. Mr. SOUALEM (Observer for Algeria) said that, if the international community could eliminate apartheid, it ought to be able to combat more recent forms of racism, xenophobia and intolerance, which posed a serious threat to world stability, security and peace. Such phenomena, generated in part by the world economic crisis, spared no region of the world, with immigrant communities and migrant workers being the frequent victims. Scapegoating of those individuals led to the open espousal of racist and xenophobic ideas in political circles and in society at large.

38. The international community must mobilize to combat the disturbing trend toward racist discourse. States that had not yet recognized the competence of the Committee on the Elimination of Racial Discrimination to receive communications from individuals and groups must be urged to do so, and the countries that had expressed reservations to article 4 of the Convention should withdraw them.

39. The World Conference in 2001 must not be a merely symbolic media event but must lead to a commitment on the part of the international community to forestall the social, ethnic, religious and linguistic confrontations that threatened to degenerate into armed conflicts.

40. Mr. DIENE (United Nations Educational, Scientific and Cultural Organization (UNESCO)) said that, at the request of African and Caribbean countries, UNESCO had launched in 1994 the Slave Route project to study the slave trade between Africa and the Americas, with emphasis on the resulting cultural, ethnic and spiritual interaction in the countries of the Americas and the Caribbean. The ideological underpinnings of the slave trade merited particular attention, since race continued to be an important factor in the societies of the countries where the slave trade had flourished.

41. The French National Assembly had recently voted to declare the slave trade a crime against humanity. That pioneering and exemplary step should be emulated by the United Nations and by other countries that had been historically involved in the trade. For its part, UNESCO would continue its educational activities aimed at promoting greater understanding of the slave trade.

42. Mr. MIKHNEVICH (Observer for Belarus) said that social harmony was of great political significance, for it promoted economic and political development. Many different nationalities lived comfortably together in Belarus. When differences arose between ethnic groups they generally did not become confrontational. Mixed marriages occurred frequently, reflecting the high level of tolerance that existed in the country. Current social policies reflected a desire for mutual understanding, dialogue and peaceful settlement of ethnic problems. There had been a noticeable increase in the attention paid by the authorities to the problems of national minorities.

43. His Government believed that a legislative foundation was necessary for the formulation of policy in any area. One of the first laws passed by the Belarusian Parliament in 1991 concerned citizenship, which was the entitlement of any individual residing in the country regardless of ethnic affiliation or religion. In 1992, a law on national minorities was passed which established the legal foundation for the relations between ethnic groups. The desires of national minorities for mutual understanding and harmony were realized through the establishment of associations which brought different communities together to discuss problems in a constructive and friendly manner. In addition, national minorities had their own media publications.

44. Efforts to deal with national issues in Belarus had not always achieved the results anticipated, but Belarus remained one of the few former republics of the Soviet Union in which such problems had been settled without bloodshed.

45. Mr. ZAHRAN (Observer for Egypt) said the objectives of the Third Decade to Combat Racism and Racial Discrimination had not been achieved, as recent ethnic conflicts posed new challenges for the international community. His delegation looked forward to participating in the World Conference and endorsed the decision taken regarding participation in regional and interregional preparatory events as well as the proposals put forward in the Working Group at the current session of the Commission. All concerned must work to ensure that the Conference's aims were achieved.

46. One topic that should be dealt with at the Conference was the ill-treatment of immigrants. The States parties to the International Convention on the Elimination of All Forms of Racial Discrimination should develop legal measures to deal with violations of immigrants' rights, and States that had not done so should become parties to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. The International Labour Organization (ILO) should address the problem occurring in many developed countries, where racist accusations were made that immigrants deprived citizens of employment opportunities. UNESCO should also strengthen its efforts to promote tolerance and education, which were the key to combating racism and racial discrimination.

47. Mr. PIETROSANTI (Transnational Radical Party), speaking also on behalf of the International Romani Union, said that the Gypsies were always foreigners wherever they found themselves. They did not wish to be a State but they did want the status of a nation. Gypsy history cut across the traditional identity and coincidence between the concepts of State and nation,

and it was, consequently, in the interest of each and every individual represented and organized in States that the international community should help the Gypsy nation.

48. The United Nations should exploit the rich political and cultural treasure of the Roma nation. States should help the Gypsies to establish their own schools in which their culture, tradition, language and values could be transmitted to their children. It was in the interests of the States themselves to do so.

49. He asked the Commission to charge the Special Rapporteur to deliver a special report at its next session on racial discrimination against Gypsies, and suggested that a specific item on the Roma nation be included in the agenda of the forthcoming World Conference.

50. Mr. WADLOW (Association for World Education) said that the Special Rapporteur's report (E/CN.4/1999/15 and Add.1) showed only the tip of the iceberg of racism, ethnic nationalism and discrimination. With the exception of former Yugoslavia, it did not deal with any of the countries to which Special Rapporteurs were entrusted, nor did it deal with the majority of countries cited in the reports of the thematic rapporteurs. It was to be hoped that, at the World Conference, it would be possible for the Secretariat to provide a consolidated document in which all the information given by all the special rapporteurs would be presented country by country.

51. The Special Rapporteur's report did raise clearly, through its quotation of government replies, the problems of structural discrimination, which needed to be addressed in detail. The Governments of Mexico and Turkey referred to the problem of migrant workers, and the Government of India provided some information on scheduled castes and scheduled tribes. Such structural aspects of discrimination were close to the mandates of the experts and special rapporteurs dealing with extreme poverty, the right to development, the right to education, the right to food and structural adjustment policies. An integrated approach must be adopted to structural discrimination, especially in the working documents for the World Conference.

52. He hoped that the Commission would, at its current session, adopt a resolution on implementation of human rights instruments dealing with the punishment of the crime of genocide.

53. Mr. LITTMAN (Association of World Citizens), speaking also on behalf of Christian Solidarity International, said that there was talk of a draft resolution being proposed to the Commission which would condemn alleged "attacks on Islam" or "blasphemy". The adoption of such a resolution would be an unmitigated disaster for the Commission. The struggle to combat racism in all its forms, including anti-Semitism, through serious scholarship and freedom of thought, opinion and expression, should not be curtailed at the United Nations by auto-censorship as a result of doctrinal accusations of "blasphemy".

54. The Special Rapporteur's current report (E/CN.4/1999/15) contained a paragraph entitled "Racism and racial discrimination against Arabs" followed by two paragraphs entitled "Anti-Semitism". Those paragraphs dealt only with

anti-Semitism in Europe and Russia and contained not a word on Islamist and Arab anti-Semitism, a subject which had caused a furore in 1997 in connection with the Special Rapporteur's report to the Commission at its fifty-third session (E/CN.4/1997/71). That report had been "corrected" (E/CN.4/1997/71/Corr.1), in an act of auto-censorship, and the Commission had adopted its decision No. 1997/125, subsequently known as the "blasphemy-censorship" decision. His Organization's warnings at the time of the dangers of auto-censorship had been fully justified by subsequent events.

55. Mr. ARASANZ (International Organization for the Development of Freedom of Education) said that an NGO affiliate of his own Organization, International Cooperation, had been developing the SERADE programme in cooperation with the European Commission and the Spanish Government, the main aim being to encourage young people to develop responsible attitudes towards racism and work to promote human rights. For the past five years, volunteers from International Cooperation had been helping Spanish schoolchildren to mark 21 November as the Day of Solidarity with the immigrant population suffering from various forms of intolerance and xenophobia.

56. The SERADE programme had launched a publicity campaign entitled "Deeds not words" to mark the fiftieth anniversary of the Universal Declaration of Human Rights. The campaign denounced racism, ill-treatment and child exploitation. The SERADE programme had more than 1,200 volunteers and its own Website; nearly 172,000 people, mostly school and university students, had benefited from its activities.

57. Mr. KIRKYACHARIAN (Movement against Racism and for Friendship Among Peoples), speaking also on behalf of Centre Europe-Tiers Monde, said that racism was as old as ignorance and poverty but, in a large number of cases, ignorance and poverty were fed by the poison of racist demagogy. Racism was not only linked to structural inequality; it was its cruellest expression. The international community should launch programmes and finance campaigns against racist, xenophobic and neo-fascist propaganda. His organization had always supported agreement and cooperation between anti-racist organizations and other social organizations, primarily the trade unions; it had contributed to the establishment in October 1998 of an anti-racist network in the European Union.

58. The peril of racism was socially divisive, creating a kind of invisible, worldwide apartheid. The World Conference should be the occasion for assessing the threat which racism in its various forms represented to the modern world, whether it was a case of those without proper papers working for the organizers of the underground economy or the abominable tragedies caused by nationalism and ethnic cleansing. It was to be hoped that the World Conference would represent a turning point, with progress finally being made towards the effective enjoyment of human rights in equality and dignity.

59. Ms. TANAKA (International Movement Against All Forms of Discrimination and Racism) said she welcomed the fact that the Special Rapporteur had dealt in his report with the situation of the Dalits, or scheduled castes and scheduled tribes, and had suggested a field mission to India. Caste discrimination was one of the most persistent forms of discrimination in Asia, and one that was largely ignored. Her organization noted with regret the

position of the Government of India that the International Convention on the Elimination of All Forms of Racial Discrimination was not applicable to discrimination against Dalits, despite the statement by the Committee on the Elimination of Racial Discrimination that the situation of the scheduled castes and scheduled tribes did fall within its purview.

60. Indian law, including the Indian Constitution, noted that the Dalits were one the most vulnerable groups in the country, but regrettably there had been no effective enforcement of the law and there were still many cases of discrimination, including attacks on Dalit villages by high-caste mobs. Dalits, and especially Dalit women, were continuously oppressed, cheated, tortured and exploited, including sexually, by dominant castes, politicians, police authorities and bureaucrats.

61. Her organization strongly recommended that the Special Rapporteur should visit Dalit communities in India, and if possible in other countries where caste discrimination existed, and make concrete recommendations for measures to be taken by the Governments concerned towards establishing a casteless society. Discrimination against Dalits in South Asia and other victims of perennial and persistent forms of discrimination should become a focus of special consideration at the forthcoming World Conference.

62. Lastly, noting that racial discrimination was very often compounded by gender discrimination, she said that her organization welcomed the initiative taken by members of the Committee on the Elimination of Racial Discrimination to draft a general recommendation on the gender-related dimensions of racial discrimination.

63. Mr. PERERA (World Federation of United Nations Associations) said that the proposed World Conference was an indictment of the indifference of Member States to their obligations under the International Convention on the Elimination of All Forms of Racial Discrimination, which had still to be ratified by more than 20 Member States with more than 130 States parties still not recognizing the competence of the Committee on the Elimination of Racial Discrimination to receive and consider communications from individuals or groups.

64. The vast majority of Member States had made no serious attempt to train and motivate teachers to educate the young to recognize and respect human rights and fundamental freedoms, more specifically with a view to combating racial discrimination. UNESCO had declared that the responsibility lay with the teaching profession, and it was therefore imperative that teachers' organizations commit themselves and their members to discharging that responsibility and ensuring that educational resources were used to combat racism.

65. Ms. FARHI (International Council of Jewish Women) said that her organization was alarmed at the rise in revisionist assertions that the genocide of the Jews by the Nazis had never occurred and that the Jews had lied about it in order to make the West feel guilty and enable them to create their State. The aim was to complete the physical destruction of a people.

Remembrance and mourning, the only way to learn the lessons of history, were under attack, opening the door to new crimes against humanity, whether in Kosovo, Bosnia, the African Great Lakes region, Cambodia or elsewhere.

66. The Internet could be used, without fear of punishment, to deny the holocaust and to spread fallacious theories and propaganda calling for racial hatred. The new technologies were increasingly being used not only by the extreme right, nationalist and anti-Semitic groups, but also by certain Islamic groups which had taken up revisionist ideas and also equated anti-Zionism and anti-Semitism. All Governments should pay special attention to the question of holocaust revisionism in their preparations for the World Conference.

67. Ms. PATTY (Interfaith International) said that religious ideologies and institutions could often, alas, be accused of racial discrimination, maintaining that they possessed the "truth" and that all others were therefore inferior. Such attitudes promoted intolerance and, indirectly, racism. Some unscrupulous religious leaders instigated discrimination against members of other religious groups in the name of religion. Consequently, religion in itself was no guarantee against racism and racial discrimination.

68. Researchers had recently discovered that all human beings came from the same stock of homo sapiens and that differences of pigmentation or bone shapes were simply the result of climate and environment, accidental mutations and hereditary patterns. Modern science had therefore invalidated ideologies based on racism and racial discrimination, a conclusion accepted by the United Nations.

69. The United Nations, which contained almost all the world's cultures, religions and ethnic groups, was in the best position to lay the foundation for the fight against racism, racial discrimination and xenophobia, whereas the world's religions had neglected the development of a set of ethical principles to deal realistically with those phemomena.

70. Ms. SRIVASTAVA (International Institute for Non-Aligned Studies) said that xenophobia was not born of economic backwardness: people who had little were far more willing to accept others. It was prosperity that brought with it a tendency to exclude others. Nations whose prosperity had been built on colonialism were closing their doors to those whom they had exploited to become rich, and forgetting the role played by immigrants in their prosperity. Nations created by destitute immigrants were currently fearful of newcomers and had introduced quotas based on racial considerations.

71. Some countries even made the process of obtaining a tourist visa an insulting experience for a brown or black person. Not surprisingly, such discrimination was practised most by countries with a colonialist past. Such countries preached dignity of the individual, while using the colour of a person's skin or the contents of his wallet to decide whether or not to grant him entry.

72. Mr. WAREHAM (International Association against Torture) said that the members of the Group of Western European and other States, particularly the United States of America, had no interest in supporting or publicizing the

World Conference. They feared that any focus on the transatlantic slave trade and its economics might serve to justify demands for compensation by the descendants of the enslaved and the countries of Africa from which they had been kidnapped. Moreover, the persistence of racism could be understood only by analysing its economic benefits for the descendants of the slave owners and colonialists.

73. The Secretariat, over which that Group wielded undue influence, had failed to hold consultations on the issue of a venue (his own organization suggested Brazil) or help States and regional organizations to convene regional meetings. The High Commissioner for Human Rights had not organized symposiums, seminars or worldwide consultations. Moreover, no steps had been taken to fund those meetings.

74. Another issue of concern to his organization was the tendency to defer to the Committee on the Elimination of Racial Discrimination at the expense of the Commission's own mechanisms, namely, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

75. Ms. MANGUM (December Twelfth Movement), said that the transatlantic slave trade had been the most lucrative business of the seventeenth century and a number of major European cities could be said to be built on slave labour. The raw materials and capital generated by the trade had fuelled the commercial and industrial revolutions to the extent that it was fair to say that black slavery had been fundamental to the making of the modern world.

76. The World Conference would never achieve its goal of eradicating racism in the absence of an effort to combat the ideology of racism through education. Educational establishments also had a vital role to play in empowering the underprivileged and discriminated-against sectors of the population. In that connection, it was most regrettable that the City University of New York (CUNY) had, in 1976, when people of colour constituted the majority of its students, introduced tuition fees, thus preventing poor students from receiving a university education.

77. While appearing to accept the idea of a World Conference, the United States delegation was currently endeavouring to sabotage it. An example of its tactics had been heard that very morning in the statement by the United States representative, a Latino Woman, that the situation was not perfect but that the country was on the right track and in any case was far ahead of all others. The United States had used the same cynical approach in the past. Thus, when Cuba had been the focus of its attack, it had chosen a Cuban exile to head its delegation.

78. Ms. PLUMMER (Women's International League for Peace and Freedom), having expressed deep concern at the increase in racist and xenophobic incidents throughout the world and her regret that the otherwise commendable work on racism in the European Union had no apparent links with the extensive work of the United Nations on the issue, said that the fact that the Programme of

Action for the Third Decade and the preparations for the World Conference had not received the necessary financial assistance evidenced the de facto low priority given to the issue of racism.

79. Broad participation in the regional preparatory meetings for the World Conference was needed to identify local problems and find practical solutions consistent with international standards. Like the Special Rapporteur, she believed that NGOs must be a fundamental part of all preparations for the Conference and drew attention to the discussion paper: "To the open-ended working group on the World Conference" submitted by the NGO Sub-Committee against Racism and Racial Discrimination. Moreover, all delegations to the Conference, both governmental and non-governmental, must be as diverse as the populations they represented.

80. Ms. EKSTED (International Save the Children Alliance) said that, in Eastern and Central Europe, Roma children were overrepresented in orphanages, in homes for the "mentality disabled" and among those who had failed to complete their education. They were sent to "special schools", where they were the victims of racist abuse, were forced to live in ghettos without electricity, water or sanitation, and were then condemned as "dirty". They were regularly taken away from their parents and institutionalized, denied papers and citizenship and, in countries where schooling was linked to registration, denied education altogether.

81. In Western Europe, many traveller children lived in areas with no access to basic facilities. School attendance was difficult because they were constantly on the move. Schools were often reluctant to accept children who had had only intermittent eduction. Moreover, the settled population continued to discriminate against such children.

82. The Commission must urge the Governments concerned to prosecute racially motivated crimes of violence against Roma, Gypsy and traveller children and their families, ensure their protection by the police and eliminate all forms of discrimination against them.

83. Ms. SHAUMIAN (International Institute of Peace) said that her organization was concerned that, with the end of the cold war, people who had coexisted peacefully for generations were demanding territory based on ethnic or religious considerations, with a consequent redrawing of borders, mass transfers of population and death and destruction. Moreover, restrictive immigration policies based on colour, ethnic origin and creed and attacks against immigrant workers of backgrounds different from those of the majority had become increasingly common in the developed countries. Battles between sects of the same religion were taking place in Pakistan. Ethnic hatred continued to fuel the war in Afghanistan, and ethnic cleansing had taken place not only in Bosnia but also in Indian Kashmir.

84. Such issues were exploited by nations for strategic reasons. A prime example was Afghanistan, where the Pushtoon Taliban looked to Pakistan for support, while the Shi'a Hazaras looked to Iran. The dogma that the Pushtoons were the superior race and therefore the natural masters of Afghanistan was taught in the Taliban religious schools which had mushroomed throughout Pakistan.

85. Mr. BABA (Himalayan Research and Cultural Foundation) said that extremist ideologies propagated among communities with similar or shared cultural and ethnic backgrounds could also give rise to xenophobic attitudes. That was particularly true in countries of old civilizations that had progressively absorbed different religious influences. In such cases, the distinction between communities was one not of race, but of religious affiliation.

86. Afghanistan and Pakistan were examples of countries in which the sacred Islamic concept of the jihad had been misused to cover persecution, rape, torture and murder. In some parts of southern Asia, Islamic schools had adopted a curriculum inculcating xenophobia in the name of Islam, a very dangerous trend which must not go unnoticed.

87. Groups within and outside Pakistan relied on xenophobic sentiment for conducting aggression against the people of Jammu and Kashmir in the name of Islam. Young recruits in training camps in Pakistan were taught to hate liberal and non-Muslim communities and were then sent out to kill, in the most barbaric way. Non-Muslim communities had recently been the target of so-called mujahidin sent across the border from Pakistan.

The meeting rose at 6 p.m.

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COMMISSION ON HUMAN RIGHTS

Fifty-fifth session

SUMMARY RECORD OF THE 9th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 30 March 1999, at 6 p.m.

Chairperson: Mr. PADILLA-MENÉNDEZ (Guatemala)
(Vice-Chairperson)

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RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND ALL FORMS OF DISCRIMINATION (continued)

THE RIGHT TO DEVELOPMENT

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GE.99-13958 (E)

The meeting was called to order at 6.05 p.m.

RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND ALL FORMS OF DISCRIMINATION (agenda item 6) (continued) (E/CN.4/1999/12, 15 and Add.1 and 17; E/CN.4/1999/NGO/4, 5, 6 and 60)

1. Ms. JURT (European Union of Public Relations) said that the divergent paths of India and Pakistan since 1947 served as a lesson for human rights activists. Though it had had its share of intolerance between groups, India had fashioned itself as a secular democracy, with constitutional, institutional, educational and legal instruments to imbue its citizens with respect for the value of universal equality. Pakistan, on the other hand, after a brief flirtation with democracy, had succumbed to military dictatorships which had thrived on oppression and a culture of discrimination, for equal treatment for all would have threatened those who held power.

2. Although democratic rule had theoretically been restored, Pakistani democracy often seemed to be military rule in a civilian guise and the civilian Government had recently called upon the army to carry out a number of normal administrative duties, including the collection from consumers of water and power fees. Armed fundamentalist groups, such as the Harkat-ul-Ansar, educated in religious schools that shunned democracy and equality, ran rampant through the streets. Assisted by the Pakistani security forces, they had even threatened the life of the Prime Minister. Indeed, the Prime Minister himself had stated that Islamic law should be the supreme law of the land and had spoken approvingly of the Taliban.

3. Moreover, institutionalized constitutional and legal discrimination against certain groups was obvious. The Ahmadiyas had been legally declared to be non-Muslims and were consequently subjected to continuous persecution. The Muslim refugees from India, the Mohajirs, had for years been hounded and derided. The Pakistani Government had recently established military and anti-terrorist courts which were intended to deal with that group. The country was still affected by the years of discrimination fostered and institutionalized by successive rulers.

4. Mr. QARMI (Asian Buddhist Conference for Peace) said that, although Pakistan had ratified the Convention on the Elimination of All Forms of Racial Discrimination in 1969, the Mohajirs had been subjected to discrimination by successive Governments over a period of four decades. The Special Rapporteur on contemporary forms of racism, racial discrimination and xenophobia had mentioned in his report (E/CN.4/1998/79, para. 36) that the Mohajirs were alleged to be exposed to xenophobic attacks by the Pakistani authorities, often being illegally dispossessed of their property, that Mohajir electoral candidates were reported to be the victims of acts of violence and that their supporters were regularly kidnapped and tortured. The Special Rapporteur had communicated those allegations to the Government of Pakistan, but the latter had labelled the Mohajirs as terrorists and criminals, and incited hatred against them.

5. The Mohajirs lived predominantly in Sindh province, and the Federal Government had dismissed the democratically elected government of that province and handed over the administration to the armed forces, on the

pretext of combating crime and restoring order. According to many reliable sources, however, the crime rate in Lahore was worse than in Karachi, but the Government had imposed military rule in Karachi and not Lahore because the latter was located in the Punjab province, the home of the ethnic group that monopolized political and economic power.

6. Mr. BURSIK (Society for Threatened Peoples) said that some 80,000 Nubas, four-fifths of whom were women and children, had died in southern Sudan and the Nuba mountains, victims of war and of famine. The situation was particularly difficult for those Nubas living in the areas controlled by the Sudan People's Liberation Army (SPLA), as the Sudanese authorities denied international relief organizations access to such areas.

7. Notwithstanding a number of ceasefires, the Sudanese Government had continued its policy of annihilation and "ethnic cleansing". The army or associated militias attacked Nuba villages, pillaged and burned houses, killed their inhabitants or resettled them by force. Thousands of children had been sold into slavery. Vast stretches of the country had been completely and intentionally depopulated because of the Government's use of landmines, and other ethnic groups had been encouraged to seize Nuba lands.

8. The attitude of the Arab-Muslim military junta was deeply racist. The Government, which had declared an Islamic holy war against the mostly-Muslim Nuba, was still not prepared to accept that Sudan was both an Arab and an African country, and continued to deny the black African population its basic human rights.

9. Mr. PARY (Indian Movement "Tupaj Amaru") said that, when the European conquistadores had arrived in the Americas, the production system was based on collective ownership of land and of the instruments of labour, private property being unknown. The Incas had created a system for the just and equitable distribution of wealth, and had inculcated a collective spirit, respect for the land and dignity and had eliminated poverty and discrimination. The colonial conquest had destroyed that civilization and reduced the native population to an inhuman level, imposing a new order based on the market economy, with slavery and servitude for native Americans and blacks.

10. Since any doctrine of racial superiority was scientifically flawed, morally objectionable, socially unjust and a threat to the peace, the forthcoming World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance should undertake a number of scientific studies addressing, for example, the phenomenon of racism; the roots of that phenomenon, including the consequences of slavery, colonialism and neocolonialism; and the extent of modern forms of racism and slavery in the light of the concentration of wealth in a context of globalization and the effects of the new international economic order, where blind market forces fuelled violence and instigated racial hatred.

11. In indigenous communities which had not been subjected to alien culture, there was practically no discrimination, but new communications technologies had created sophisticated means of propagating racial hatred and violence. Films, electronic games and computer networks were inculcating

violence and aggressiveness in young people. The Internet was being used to disseminate racist propaganda. The World Conference should therefore give priority to adopting a code of ethics for Internet users and service providers.

12. Ms. GEMMILL (International Indian Treaty Council) said that new standards should be adopted emphasizing that the rights recognized for all human beings also applied to indigenous peoples. Indigenous peoples were very attached to their lands, which sustained their livelihoods and their cultures. Unfortunately, racist rationales for the exploitation of indigenous lands persisted and racial discrimination continued to plague the daily lives of indigenous native American peoples. She cited four examples of environmental racism, or practices under which the United States Government and multinational enterprises were attempting to exploit native lands, many of them sacred to the peoples concerned.

13. There was also another form of racism, known as institutional racism. Public and educational institutions in the United States and professional sports had adopted the practice of using demeaning names for mascots, symbols and images which promoted negative stereotypes of native American peoples. Proponents of the practice proclaimed that they honoured native Americans and they were often not aware of the damage they were doing. The degrading use of such mascots was a direct and indirect insult to the intelligence of native American peoples, and could even threaten native cultures with extinction.

14. American Indians were among the most disadvantaged Americans according to many available indicators, including poverty rates and median income. The representative of the United States had proclaimed that his Government was proud of its achievements in protecting its citizens against racism but racial cruelty was a harsh reality in State institutions, and the law did not protect native Americans against it. The Special Rapporteur should consider the possibility of adding to his recommendations for the adoption of additional measures to combat racism the statement that indigenous peoples should be allowed to retain their dignity and not have their identity exploited for commercial and entertainment purposes.

15. Ms. MOYA (American Association of Jurists) said that, during the colonial period, very few organizations had objected to the denial of the right to life and liberty of millions of human beings. Slavery and the exploitation of racial inequality had had a lasting effect, and discriminatory practices still persisted in societies that had since become democracies. At the Commission's previous session, the Group of African States had prepared a draft resolution which, in the light of the prejudice to which Africa and African-Americans had been subjected, would have asked their forgiveness as a sincere and heartfelt sign of reconciliation. That draft resolution had been withdrawn at the insistence of certain States, without being brought forward for consideration. A consensus on that resolution would have demonstrated a real will for change and reparation.

16. Inequalities based on that horrible past were unfortunately still being perpetuated, and were affecting new groups as well. Migrants had become the latest cannon fodder. Notwithstanding all the fine words from the countries of the Americas, the neoliberal and bourgeois values prevailing there were

perpetuating discrimination. Government officials worked in the interests of the powerful. There were new and terrifying colonizers - paramilitary groups - which were threatening the historical survival of rural African American communities. In Honduras and Brazil, laws and decrees had made it possible for national and international companies to seize land that had historically belonged to those communities, and recognized communal lands in Colombia had been the subject of violent attack leading to forced displacement.

17. Mr. KIRUPAHARAN (International Educational Development, Inc.) said that, for more than 50 years, successive Sinhalese Governments in Sri Lanka had been oppressing the Tamil people, who had been historically separate from the Sinhala nation. One of the Sinhalese Government's first acts had been to impose the Sinhala emblem, the lion, as the symbol of the whole nation. In 1956, it had adopted the Sinhala Only Act, making Sinhalese the sole official language, thus denying Tamils access to State services, education and employment. In 1956, 1958, 1961, 1977 and 1983, the Government had instigated massacres of Tamils. By 1983 armed conflict had come to the island.

18. According to the United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions, the Sri Lankan army was 99 per cent Sinhalese, i.e. its soldiers did not speak Tamil, thus amplifying the sense of occupation and exacerbating the feeling of alienation. The armed forces had carried out criminal acts which were genocidal in intent, including the destruction of homes, torture, mass arrests, collective punishment, bombings and forced eviction. The Commission should condemn acts of racism in Sri Lanka and call for a negotiated settlement that would recognize the Tamil people's right to self-determination and to live free from racism and persecution.

Statements in exercise of the right of reply

19. Mr. TEKLE (Observer for Eritrea) said that, having listened to the observer for Ethiopia, he had arrived at a number of conclusions. First, the Ethiopian and Eritrean delegations both agreed that the problem of ethnic discrimination had been the source of human rights violations in their common region. Secondly, the Ethiopian delegation, like his own, asserted that its people were victims of discrimination and that it had an interest in safeguarding their human rights. There was clearly, therefore, a solid basis for the investigation of ethnic discrimination in the region. The Ethiopian delegation would presumably not object to the expansion of the mandate of the Special Rapporteur to cover the Horn of Africa and the Commission should therefore extend that mandate.

20. Mr. AL-AZREG (Sudan), responding to the statement by the representative of the Society for Threatened Peoples, said that, following the signing of the Khartoum Peace Agreement in 1997, a special peace agreement concerning the Nuba Mountains had confirmed his Government's awareness that the Sudan was a multiracial, multicultural, multi-ethnic and multireligious society. The country's Constitution and laws prohibited any sort of racism and racial discrimination and imposed penalties for the incitement of religious, racial or ethnic hatred. Sudan had independent newspapers and independent political parties. It was difficult to conceive of such grave violations of human

rights as those alleged taking place in a country with so many parties and a free and independent press. Over 30 per cent of the men serving in the Sudanese military came from the Nuba region. Moreover, there were dozens of high officials in the State apparatus from the Nuba region, including ministers in the federal Government and officials in the legislative and judicial branches. Could such violations take place with people of Nuba origin in those positions? The non-governmental organization (NGO) in question had surely made those charges for reasons of its own.

21. Mr. ABEBE (Observer for Ethiopia) said that he wished to refute the Eritrean barrage of machinations and lies. His Government had clearly explained the reasons and legal justifications for requiring certain foreign nationals to leave the country. It was a decision imposed upon the Government by a neighbouring State which had sponsored terrorist acts. The Government had uncovered the imminent threat of a clandestine structure, and requested that the persons concerned should leave the country. It had done so taking great care to ensure that the departure took place in an orderly and legal manner. He requested the Commission to deplore the discriminatory policies and propaganda of the State in question.

22. Mr. TEKLE (Observer for Eritrea) referred to the acceptance speech delivered by the Chairperson of the current session, in which she had advised delegations to concentrate on substance and avoid polemics. His own delegation had focused on the problem of racism as it manifested itself in East Africa, although it would have been easier to cite the case of a specific country. She had also called upon delegations to be civil and show respect for one another as well as for the subject matter.

23. He assured the Commission that his own delegation would never demean the dignity of the Commission and its work by indulging in what the French called "vagabondage diplomatique" such as that to which it had just been subjected.

24. The CHAIRPERSON said that agenda item 6 would remain open for discussion, since the working group had still to present its report to the Commission.

THE RIGHT TO DEVELOPMENT (agenda item 7) (E/CN.4/1999/19 and 20)

25. Mr. SENGUPTA (Independent expert on the right to development) outlined the approach he intended to adopt in his work. First of all, he drew attention to the major change in the development paradigm, in which development was defined in terms of rights. When the human rights instruments had first been adopted immediately after the Second World War, there had been enthusiasm and idealism. It had been hoped that the universal document would include all aspects of human rights, including the right to economic security and independence. Following the adoption of the Universal Declaration of Human Rights, the entire process had been waylaid owing in part to the cold war, but after many years it had been brought back into the mainstream. In the intervening period, the international community had concentrated on development as a function of the growth of output, material products and marketable services. Developing countries were expected to follow the paths taken by the industrialized States to increase production. Fundamental

questions such as equity, justice, participation and freedom were treated as peripheral matters, and were not considered important in the formulation of policies.

26. Yet even then, as human rights activists and international lawyers tried to put forward a rights-based approach to development, some economists pointed out that from the very start, even in the teachings of Adam Smith or Marx, development was considered to be more than simply growth of industry, technology or gross national product (GNP). Development was related rather to the ability of peoples to do the things they wanted to do and to enjoy opportunities. The best definition of development would be the one given by Professor Amartya Sen, who had recently won the Nobel Prize for Economics, and who had said that development was freedom. Development was related not only to the growth of production and technology, but also to equity, social justice and civil and political freedoms, which permitted people to act as free agents.

27. The right to development was thus not simply an invention of international lawyers and human rights activists, but a factor embedded in the economic principles and the development of economic theory. One of his tasks as independent expert would be to define that concept further and make the rights approach to development better understood as one that regarded development as the expansion of human freedom.

28. Public participation in the formulation of policies was central to the process of development. As independent expert, he hoped to initiate a worldwide dialogue with NGOs and other institutions to build confidence in the concept of development as freedom.

29. The right to development, if seen as a concept of freedom, could be ensured only through collective action. It incorporated personal rights, but would go beyond them to include rights that could be secured only through complementary positive action by the State, civil society and the international community. In an integrated and globalized world, national economic policies could no longer be drawn up in isolation. A State's obligations to its own citizens would, of course, be paramount but no State action could ignore its impact on the citizens of other States. Every State which recognized the right to development was obliged to take positive action to assist the citizens of other States in realizing those rights.

30. Official development assistance (ODA) was of great importance, and the international community must increase the aid provided to developing countries. But the use of private capital flows could be very effective as well. While the volume of ODA had unfortunately remained more or less stagnant, that assistance could probably be used more effectively by leveraging private capital flows to markets in Asian and African countries, where private capital had not been attracted.

31. In many contexts, privatization could be justified. But in some countries the privatization of public utilities would leave the poor without water and electricity. ODA could be used to help those who were marginalized by such privatization.

32. In economics, freedom would be considered a vector, meaning that it had a number of elements and that progress could not be made on all fronts at once. In international law, it could well be that no right was superior to another, but in economics some choices had to be made. Three rights should therefore be designated as inalienable: the right to food, the right to primary education and the right to primary health care, for those were as basic as the right to life itself. An international agreement, whether in the form of a treaty or a covenant, should therefore be concluded to commit every State to ensuring those three rights.

33. Mr. SUMI (Japan) said that his Government attached great importance to the right to development, which was acknowledged as a universal and inalienable right in the Vienna Declaration. Responsibility for the protection and promotion of the right to development fell primarily on national Governments, but other countries could and should facilitate and assist them in their development efforts.

34. Japan, as the largest donor country, recognized the importance of promoting effective international cooperation, and paid particular attention to the promotion of human rights in carrying out its development assistance. It attached great importance to poverty reduction, health improvement and manpower capacity-building, all of which contributed to human development. Japan had recently hosted the second Tokyo International Conference on African Development, known as TICAD II, in which delegates from 80 countries and 40 international organizations had taken part. The African countries and their development partners had adopted the "Tokyo Agenda for Action", a concrete programme to promote development in certain key areas.

35. The right to development was universally accepted, but the definition of that concept was still being drawn up. The independent expert had formulated some innovative ideas, identifying the right to food, the right to primary health care and the right to primary education as the three core indicators of the right to development, since they were already the subject of international agreements. The Japanese Government was inspired by that approach. Furthermore, parties from other areas, and in particular those engaged in the economic field, should be involved. The efficient and successful realization of the right to development could not be possible without cooperation from such quarters as the World Bank, private entities, academics and economists.

36. His delegation thus welcomed the establishment, through a resolution reached by consensus at the Commission's previous session, of a follow-up mechanism to make further progress towards the implementation of the right to development, with an open-ended working group and an independent expert. It looked forward to continuing that spirit of cooperation with participants from various backgrounds, and hoped that a consensus could be reached at the current session. A consolidated approach was essential if the international community was to advance the right to development.

37. Mr. HÖYNCK (Germany), speaking on behalf of the European Union and the associated countries of Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia, said he welcomed the fact that the right to development was a separate item of the Commission's agenda, thus highlighting the inherent importance of the theme

while also demonstrating the links between the right to development and all other human rights. The right to development was a core element in the Union's partnership agreements with developing countries, and it would welcome a renewed consensus on the subject.

38. Development was a process which had as its objective the realization of civil, cultural, economic, political and social rights to meet the developmental and environmental needs of present and future generations. Political participation and the empowerment of each human being were integral parts of the right to development, and human rights, democracy and development were linked. It was becoming increasingly understood among international organizations and trade and financial institutions that the realization of human rights was the key to sustainable development, an idea which transcended the strictly economic understanding of development.

39. The Secretary-General had recalled that good governance, which entailed respect for human rights and the rule of law, was perhaps the most important factor in eradicating poverty and thus, too, in the development-related work of the United Nations. The Lomé Convention acknowledged that respect for human rights, democracy and the rule of law was essential to any partnership agreement. Any future convention would include an even more comprehensive reference to that concept. It had become widely recognized that democracy provided the appropriate means of ensuring a regular change of government and thus protected the capacity, reliability and integrity of State institutions, and at the same time made Governments more transparent and responsive to popular concerns.

40. Yet some countries, including some very large ones with extremely ambitious development goals, tended to overlook the need for good governance, including full respect for human rights, democracy and the rule of law. There were also countries that seemed to advocate the view that material objectives should take precedence over human rights and democracy, as if the two were foes and not friends in development. The experience of the past few years had proven that approach wrong. Countries which restricted freedom of speech, reduced elections to rubber-stamp exercises, wasted resources in corrupt bureaucracies and over-invested in military spending were only acting against the right to development of their own citizens. The Nobel Prize laureate, Amartya Sen, had proven that those countries which had a free press and free elections were far less likely to suffer from famine.

41. Much headway had been made in mainstreaming human rights throughout the United Nations system. The United Nations High Commissioner for Human Rights had done a commendable job of strengthening the ties between her Office and other United Nations agencies and the multilateral financial institutions, many of which had published reports or documents devoted to the role of human rights in development to help mark the fiftieth anniversary of the Universal Declaration of Human Rights. The Office of the High Commissioner for Human Rights (OHCHR) had also signed a Memorandum of Understanding with the United Nations Development Programme (UNDP), and the World Bank had held its first human rights seminar.

42. Despite those and other encouraging signs, the Union noted serious shortcomings in the realization of the right to development, and would be

pleased if future discussions on the subject could address in more concrete terms the complex issues related to its practical implementation. It welcomed the resolution adopted without a vote by the Commission the previous year and the creation of two follow-up mechanisms, as well as the appointment of the independent expert, whose first report would contribute to the work of the open-ended working group. The Union hoped that the resolution on the right to development would be adopted by the Commission without a vote.

43. Mr. REYES RODRÍGUEZ (Colombia) said that, in the current century, mankind had amassed an abundance of knowledge and technical abilities, yet the fruits had so far been very restricted. Of the population living in the developing world, one-third had no access to running water, a quarter lacked appropriate housing and one out of five people was deprived of modern health services. Some 20 per cent of children dropped out from school, and a similar number of them were undernourished. In those countries, modern transport, telecommunications and energy were available only to a privileged few, and most people had difficulty gaining access to knowledge and technology. The situation in the industrialized world, with over 100 million people living below the poverty line and 37 million unemployed, was not very encouraging either.

44. Clearly, the uneven progress the world had experienced was not genuine and sustainable development. It had benefited a world elite only. The effects of indiscriminate industrialization and environmental deterioration could well threaten the peace, or even the chances of survival, of all mankind.

45. The right to development, which required the participation of all national and international development partners, including individuals and civil society, was therefore of the utmost importance. It recognized the interdependent, holistic and universal nature of civil, political, economic, social and cultural rights and human fulfilment.

46. Trade liberalization and globalization had opened up new possibilities for growth, but the increase in national and world wealth should be used for the common good. It should be channelled according to the principle of social justice to benefit the most vulnerable sectors and to reduce the North-South gap.

47. At the national level, States had to demonstrate good governance and be transparent. Corruption and poor public administration would only worsen poverty. Democracy and the rule of law must be strengthened, human rights promoted and defended, sound economic and environmental management ensured, poverty eliminated and education and health care provided, if there were to be sustainable development.

48. The growing interest of the developing countries in the right to development had sometimes led to the erroneous perception of that right as a confrontational claim. Human rights could not be the concern of a few States or regions, and the right to development was a common cause of all men and women. It should not be seen as a source of discord, but rather as a rallying point, just as the heritage of human rights had so far been.

49. Mr. ZAKI (Pakistan) said the independent expert had suggested that the starting point for achieving the right to development should be the realization of the right to food, primary health care and primary education, but his selection of certain areas for priority action was arbitrary and somewhat incoherent. The focus should instead remain on the fundamental issue of how to ensure that the structure and rules of the global economy were conducive to realizing the right to development.

50. The state of the world economy, with its growing disparities between the rich and poor both among and within countries, did not bode well for the development prospects of most of the world's population. The right to development should occupy a central place in discussions on how to improve the situation, but for various reasons it unfortunately did not. For example, discussions in the Commission were, understandably, dominated by human rights practitioners and lawyers, but any discussion of the right to development would also have to include specialists in economics as well.

51. The Commission should therefore consider two sets of measures to promote the right to development. Firstly, it should establish a mechanism to monitor implementation of development commitments undertaken at recent United Nations summit meetings. The Commission should enlist the assistance of eminent economists and social scientists to study the fairness of the international trade regime, and should review the functioning of international financial and development institutions, so as to make them more accountable. It might also recommend that global economic management decisions be removed from the hands of restrictive forums such as the G-7 and assigned to the United Nations, to ensure that the right to development was taken into consideration when such decisions were made.

52. OHCHR should have a stronger capacity to monitor the international economic situation from the perspective of the right to development. It could issue an annual report on the impact of the global economic situation on the right to development, and could hold workshops and provide documentation and liaison with United Nations economic units to assist human rights NGOs in dealing with complex economic matters.

53. Mr. BENJELLOUN-TOUIMI (Morocco) said that little real progress had been made in realizing the right to development, despite the various declarations and resolutions that had been adopted on the subject. It was time to take a pragmatic and innovative look at that right, taking stock of the international economic and social situation and defining and advancing a realistic strategy for its promotion.

54. The majority of developing countries still had development levels well below the aspirations of their peoples. The widening gap between the industrialized countries and the developing countries was particularly alarming. Citing the Human Development Report 1998, he pointed out that consumption in Africa had fallen by one-fifth in 25 years, that well over a billion people were unable to meet their basic needs and that 20 per cent of the world's population accounted for 86 per cent of its consumption of resources, while the poorest 20 per cent consumed just 1.3 per cent.

Meanwhile, ODA stood at about 0.35 per cent of GNP, far from the initial target of 0.70 per cent. To make matters worse, the public debt of African countries came to some US$ 328.9 billion.

55. Realizing the right to development would require international macroeconomic stability, integration of the world economy, long-term foreign investment and support for export-oriented activities. It would also require debt reduction. As the Secretary-General had quite rightly said, the international community had helped create the debt problem, as bilateral and multilateral lending during the cold war was most often carried out for geopolitical reasons.

56. A new strategy was needed to promote the right to development, one which took advantage of the synergy between competent international bodies working in the field and which made use of the follow-up mechanisms established at the Commission's previous session.

57. Mr. ZAFERA (Madagascar) said that for Madagascar, one of the least-developed countries, the agenda item on the right to development was extremely important. The Declaration on the Right to Development stipulated that the right to development was an inalienable human right entitling every person and all peoples to take part in and contribute to economic, social, cultural and political development. The Universal Declaration of Human Rights, too, had proclaimed that everyone had the right to an adequate standard of living. Yet, despite the best efforts of the Commission and OHCHR, 50 years after the adoption of the Universal Declaration of Human Rights and over a decade after the proclamation of the Declaration on the Right to Development, more than 3 billion people were living in abject poverty, and their numbers were increasing.

58. At the Commission's previous session, many delegations had acknowledged that the disproportionate interest in civil and political rights to the detriment of social and economic rights was partially responsible for the lack of progress in realizing the right to development.

59. The Declaration on the Right to Development assigned to the national authorities the primary responsibility for the realization of the right. Even the strongest determination to provide good governance and ensure development inevitably encountered obstacles, however, which could be political or economic in nature. Those difficulties were sometimes compounded by economic embargoes and often by the external debt which had a paralysing effect on the development of the poorest countries. In addition, countries such as his own were regularly subjected to tropical storms, floods, droughts or plagues of locusts, and it would be unrealistic to expect them to achieve the full realization of the right to development on their own.

60. It was hard to imagine a lasting peace with such enormous disparities in wealth in the world. A staggering number of people lived in such poverty that it threatened their most precious right, the right to life. The elimination of poverty was an indispensable precondition for lasting peace. Globalization had demonstrated the interdependence of countries, and that in turn called for solidarity between them, in particular on such questions as the debt burden, ODA and the integration of world trade.

61. Mr. KANAVIN (Norway) said that the right to development involved all human rights and was a question of practical measures which could serve both human rights and development. The Declaration on the Right to Development was a core document setting out the link between the two, which outlined the right to development as an obligation of the State toward its citizens. It had sometimes been said that the right to development was afforded to States by some international entity, but that was not so, for that would mean that the right to development was not a human right.

62. Development as defined by UNDP was the process of expanding people's choices, and the Declaration stated that the individual should be the active participant and beneficiary of the right to development. That implied empowerment, a concept which had benefited his own country enormously. Civil society played an active role in both domestic and international development efforts.

63. The Declaration also emphasized the duty of States to cooperate in ensuring development and eliminating obstacles to it, which were defined as those resulting from failure to observe civil, political, economic, social and cultural rights. Development cooperation must therefore include a commitment to the realization of all human rights. A symposium held under the joint auspices of UNDP and OHCHR at Oslo had emphasized the need for people engaged in the two areas concerned to obtain a better understanding of the other. Additionally, the beneficiaries and donors of development and human rights assistance had to work closely together to ensure that aid was relevant in the eyes of those receiving it.

64. To support the realization of the right to development, Norway had committed itself to meeting the United Nations targets for ODA, and would attempt to raise its level of contribution from 0.9 per cent to 1 per cent of GDP. It supported the 20/20 principle, according to which 20 per cent of ODA and 20 per cent of the public expenditure of the recipient country would be allocated to covering basic social needs, and had launched a strategic debt relief initiative.

65. His Government welcomed the steps taken by the World Bank to support human rights. The human rights agenda must indeed be taken to economic and financial organizations, but the business of such organizations should not be brought to the Commission, for that would divert the attention of the main international human rights body away from human rights.

66. Ms. NAIFER (South Africa) said that the 1994 elections in her country had resulted in some profound changes, including the new Government's firm commitment to respect and protect human rights. Though the Government recognized the role of the international community, it believed that the State had a central part to play in creating conditions conducive to development. It had therefore established a number of bodies and adopted policies to ensure the enjoyment of human rights in general, and the right to development in particular. The Constitutional Court had on several occasions been called upon to make judgements on the constitutionality of State actions in relation to the realization of economic, social and cultural rights. Various anti-corruption measures of a legislative, administrative and financial nature had been adopted.

67. The Government that had come to power in 1994 faced a formidable challenge in the socio-economic inequalities among the country's citizens. It had set about ensuring access to basic services such as clean water, basic health care and housing for all South Africans through a Reconstruction and Development Programme and a reallocation of the national budget in favour of social, economic and cultural programmes, which had come to account for some 61 per cent of non-interest public expenditure.

68. That was an important step forward toward implementation of the 20/20 concept which had arisen from the Copenhagen World Summit for Social Development and the Declaration on the Right to Development. The Government had introduced two instruments which enabled active participation by civil society and greater transparency in the formulation of the budget, and carried out a prudent macroeconomic policy that had reduced the deficit to 3.5 per cent of GDP and brought inflation to a 25-year low.

69. In practical terms, since 1994 the number of households with electricity had risen from under 40 per cent to 63 per cent; some 5 million children from the most disadvantaged groups had received daily meals through a primary school nutrition programme; over 700,000 new homes had been subsidized and 10,000 classrooms had been built for pupils who would otherwise have had to study under trees. Medical care had been extended to thousands of disadvantaged people and gender equality had been promoted in all national programmes.

70. The Commission should consider practical measures to be taken by all States to ensure the broad realization of the right to development. It was to be hoped that the draft resolution on the item would be adopted by consensus, as had been the case the previous year.

71. Mr. SIMKHADA (Nepal) said the Declaration on the Right to Development and the consensus achieved at the World Conference on Human Rights in 1993 had recognized that the ideal of freedom from both fear and want could be achieved only if civil and political rights on the one hand and economic, social and cultural rights on the other were both guaranteed. The two sets of rights were universal, indivisible, interdependent and mutually reinforcing, and the right to development, as a synthesis of both, was universal, inalienable and an integral part of the fundamental rights.

72. The establishment of a follow-up mechanism, the appointment of an independent expert and the report submitted by the United Nations High Commissioner for Human Rights were highly appreciated, as was the High Commissioner's determination to strike a greater balance in her advocacy between what she had called "bread and ballot".

73. The new democratic Constitution of Nepal guaranteed all basic human rights and fundamental freedoms with a transparent political process and accountable governance. As a small, landlocked, least-developed country, Nepal faced a lack of human, material and technical resources to address the growing needs and expectations of its people. In the east there were large numbers of refugees from Bhutan, and acts of violence and terror committed by misguided elements in other parts of the country were posing further

difficulties for socio-economic development, but the Government was fully committed to protecting citizens' rights and pursuing development objectives.

74. Priority had been given to alleviating poverty and improving the lot of vulnerable groups such as women, children, the disabled, the mentally retarded, the elderly, widows, indigenous populations and people living in remote areas. The independent expert on the right to development had correctly emphasized the importance of international cooperation in such endeavours.

75. To ensure that its deliberations had an effect throughout the world, the Commission had a historical duty to recognize the roles and obligations of States and the important parts played by the international community and civil society in eliminating obstacles to development, especially in the least-developed countries.

76. Mr. SINGH (India) acknowledged the complexity of the right to development, the realization of which required democracy, transparency, accountable governance and respect for political and civil rights, which could not be denied using the existence of poverty as a justification. At the same time, poverty could prevent the enjoyment of human rights, and its elimination must therefore be a priority. It had become fashionable to refer to a "rights-based approach to development", a vague concept often wrongly invoked to impose conditions on development aid or even on development itself, while the right to development was inalienable and its application should not be a tool for such conditionalities. The Vienna Conference had recognized that development, democracy and human rights were interrelated, and development, as the most powerful tool at the international community's disposal for empowerment, was essential for ensuring human rights.

77. Hunger, deprivation and extreme poverty were as unconscionable as torture or disappearances. A "developmental approach to human rights" was as relevant as a rights-based approach to development. That was why his Government had launched a National Human Development Initiative to provide food security, health care, education, employment and shelter to the most vulnerable sections of Indian society.

78. There was an intrinsic relationship between the inequitable nature of the international economy and the inability of millions of people to enjoy their human rights, and particularly the right to development. In their reports to the Commission, independent experts and rapporteurs highlighted some of the measures urgently required to remedy the situation, including an increase in ODA, foreign debt cancellation, transfer of technology to developing countries on reasonable terms, elimination of trade barriers, restructuring of international financial, monetary and trading systems and granting developing countries a greater voice in global macroeconomic decision-making.

79. Preparations for the open-ended working group should commence without delay, and its chairman should be appointed by consensus. That body would have to hold meaningful discussions on the report of the independent expert and the activities of OHCHR, and would also have to organize an expert panel

discussion on the right to development and economic, social and cultural rights as well as discussions with all relevant United Nations agencies and in particular the relevant mechanisms of the Commission.

80. Mr. FERRER RODRÍGUEZ (Cuba) said he was concerned that, 13 years after the Declaration on the Right to Development, the results had been so meagre. Moreover, the financial crisis, which threatened to become global in scope, did not bode well for the future of the right to development. The Commission must ask itself what it could do to ensure that the brunt of the burden did not fall upon the poor, the hungry, the sick, children, the elderly and women in developing countries and how it could ensure the right to development in such circumstances.

81. Despite the consensus on the universality, indivisibility, interdependence and interrelationship between all human rights and in particular the universal and inalienable nature of the right to development which had been reached since the Vienna Conference, the situation was very serious. Three-fifths of the world population was poor, and a quarter lived in extreme poverty; 800 million people were hungry and 2 billion anaemic from nutritional deficiencies. Some 25,000 children died of curable diseases. The 225 richest people in the world had annual incomes greater than those of the poorest 2.5 billion people. Meanwhile, US$ 800 billion were invested in weaponry, including US$ 300 billion in the United States.

82. Such imbalances would be corrected neither by the Bretton Woods institutions nor by the market. Neoliberal globalization and the structural adjustment programmes advocated by those institutions ignored the social aspect of development and made such imbalances worse both nationally and internationally.

83. Though the financial crisis and epidemics such as AIDS hit the least-developed countries and the most vulnerable sectors the hardest, they did not respect national boundaries and did not distinguish between classes, political beliefs, religions or races.

84. International cooperation must be effective and without conditionalities, in an equitable international trade environment where scientific and technical progress would be shared. The Declaration on the Right to Development called for general and complete disarmament so as to free up resources for development. Cancellation of foreign debt was urgently needed by most developing countries.

85. The current distribution of wealth was untenable and required reform, and the international financial system needed to reflect reality and be made more democratic so as to allow the developing countries to take part in decision-making. Affirmative action was needed for African countries and the least-developed countries, and the Special Initiative on Africa required additional support.

86. The Commission and the General Assembly had adopted resolutions calling for the elimination of unilateral measures taken in violation of international

law and the Charter of the United Nations which hampered the full realization of the rights set out in international human rights instruments. Those resolutions should be observed without delay.

87. Developed countries should fulfil the commitment they had made to earmark 0.7 per cent of GDP for ODA. It was commendable that a few countries had reached that level, including Norway which had even surpassed it. For its part, Cuba, despite its small size, underdeveloped status and the embargo it faced, had, with France, been among the first countries to forgive the debt of the countries struck by hurricane Mitch. It had converted a former naval academy into a Latin American medical sciences school and offered 1,000 scholarships per year to allow Central American young persons lacking resources to become doctors. It had also made available grants in all university subjects for students from the Caribbean.

88. Some 500 doctors had been sent to Haiti and Niger, including a large number that had been posted in the field and had saved 100,000 people's lives, 60,000 of whom were children. Some 2,000 doctors had been sent to Guatemala, Honduras and Nicaragua. Cuba had thus adopted practical measures to ensure the right to development.

89. Mr. MENDIS (Sri Lanka) said that it was heartening to see that, in the past few years, the right to development had been given due attention by the international community in the various forums devoted to human rights, culminating in the Commission's resolution at the previous session recommending the establishment of a follow-up mechanism. Nevertheless, 13 years after the adoption of the Declaration on the Right to Development, one in five persons lived in absolute poverty, one in four was deprived of basic health care, 250 million children suffered from malnutrition and one in five adults could not read or write. Poverty was clearly one of the worst violators of human rights in the world.

90. The world had sufficient resources, knowledge and wealth to eliminate hunger, but they had to be properly channelled in order to realize the right to development.

91. For decades, Sri Lanka had invested in human development, education, social welfare and health care, which had raised the literacy, health, per capita GDP, savings and human resource development indices. The country's human development index was among the highest of the developing nations, which bore witness to the benefits of investment in the social sector. Sustaining that effort would require, however, an external environment conducive to realizing the right to development. As the High Commissioner for Human Rights had said, the United Nations had an important role to play in bringing together national Governments and international and regional organizations, transnational corporations, NGOs and individuals.

92. OHCHR had held and assisted in symposia and seminars on the interrelationship between development activities and human rights, and more such activities should be organized. A seminar should, for instance, be held in Asia before the year 2000.

93. Globalization could, if strategically oriented, lead to tangible benefits for all, but most developing nations felt the process was unbalanced. As long as that was the case, they would find it difficult to realize the right to development. If effectively implemented, however, the right to development could substantially alleviate the misery and suffering of millions of people around the world.

94. Mr. REN Yisheng (China) said that 3.3 billion people in the world lived in poverty, and that according to the Administrator of UNDP, some 1.3 billion subsisted on less than one United States dollar per day. ODA was steadily declining and had on average reached 0.22 per cent of GDP, the lowest level since 1973. Yet some developed countries downplayed the importance of the right to development, favouring civil and political rights.

95. The many components of human rights were all interdependent, interrelated and equal in importance. They included civil and political rights, but also economic, social and cultural rights, the right to development and the right to survival. The developing countries, where most of the world's population lived, should give priority to the realization of economic, social and cultural rights and the right to development.

96. In human rights study and practice, the right to development did not have a status commensurate with its importance. The international community should take practical steps to redress the balance between civil and political rights on the one hand and other human rights, including the right to development, on the other. For example, OHCHR should organize more seminars on the latter and create mechanisms and ensure sufficient financial and human resources for their follow-up.

97. The Commission, for its part, could contribute to the realization of the right to development through the working group and the activities of the independent expert.

98. At the international level, conditions conducive to the realization of the right to development had to be ensured, for if national efforts were of obvious importance, a favourable external environment and international cooperation based on equality and mutual respect were indispensable. The developing countries faced poverty, overpopulation, heavy debts, deteriorating terms of trade and a lack of infrastructure and management capacities, and were ill-equipped to weather adverse external economic changes. All countries committed to promoting human rights had the duty to help them develop, in particular by increasing ODA.

99. The developing countries had won their independence in the twentieth century, and were entitled to freedom from want in the twenty-first century. That was a challenge that the entire international community had to meet.

The meeting rose at 9 p.m.

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Fifty-fifth session

SUMMARY RECORD OF THE 10th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 30 March 1999, at 3 p.m.

Chairman: Mr. SIMKHADA (Nepal)
(Vice-Chairperson)

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THE RIGHT TO DEVELOPMENT (continued)

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GE.99-13962 (E)

In the absence of Ms. Anderson (Ireland), Mr. Simkhada (Nepal), Vice-Chairperson, took the Chair.

The meeting was called to order at 9.05 p.m.

THE RIGHT TO DEVELOPMENT (agenda item 7) (continued) (E/CN.4/1999/6, 19, 20 and 118; E/CN.4/1999/NGO/1 and 2)

1. Ms. JAHAN (Bangladesh) said that it had taken many years for the right to development to be acknowledged as an integral part of fundamental human rights, and to establish that full realization of the right would require a correct balance of all human rights. Democracy, human rights and development were interrelated and mutually reinforcing and thus required concerted action.

2. Inequalities within and among countries posed a direct threat to the realization of the right to development and indirectly jeopardized democracy as well. Poverty was linked to the denial of human rights. Yet there were still over 1 billion people in the world living in abject poverty, and precious resources were still being squandered on weapons of mass destruction.

3. Globalization held out the promise of prosperity, but it was also a challenge to the developing countries since it could lead to uneven development and increased inequality, to the detriment of human rights. Similarly, structural reforms that ignored social realities destabilized democracy and inhibited the enjoyment of human rights. "Development with a human face" was more than a slogan, it was an economic and moral imperative.

4. Domestic reforms alone had proven insufficient and a favourable external financial, monetary and commercial environment was required. A new development consensus had to be reached, with due recognition of the link between the development of the South and world peace and stability.

5. Her Government gave top priority to accelerated and sustainable socio-economic development, with a focus on poverty alleviation, human resources, the integration of women and participatory planning. The central role of the human person was stressed, both as an active participant in and as a beneficiary of development. Bangladesh had already earmarked 31 per cent of its budget for social development, well above the target of the 20/20 Initiative set at the World Summit for Social Development. It was to be hoped that the country's development partners would observe their commitment to earmark 0.7 per cent of their gross domestic product (GDP) for official development assistance (ODA).

6. Genuine implementation of the right to development would require its codification in an international instrument. Discussions should be held to draft a convention on the right to development, possibly in the open-ended working group established by the Commission at its previous session, and the Office of the High Commissioner for Human Rights (OHCHR) should be given the appropriate human and financial resources to work as a matter of priority on the promotion of the right to development.

7. Mr. TCHOUMAREV (Russian Federation) said that there was no question but that all human rights were universal, indivisible, interdependent and

interrelated, as described in the Vienna Declaration and Programme of Action. Ensuring the right to development - meaning not only economic progress but also the social, cultural and spiritual aspects of personal development - was a way of forestalling the social polarization, disorder and upheaval that could result if one set of rights was ensured and another neglected.

8. The right to development was becoming an increasingly important tool to eliminate poverty and reverse social, economic and cultural deprivation. The ability to work and provide for oneself was just as important for human dignity and democracy as was the right to take part in free elections or to express an opinion.

9. Innovative approaches were needed at both the national and the international levels, for structural adjustment and insufficient growth were preventing the realization of the right to development. United Nations development agencies should pay more attention to human rights. OHCHR should continue involving the World Bank, the International Monetary Fund (IMF), the United Nations Development Group (UNDG) and others in working to realize the right to development. The follow-up mechanisms established the previous year should concentrate on the international legal obligation of all States to create favourable conditions for development. His delegation hoped the resolution on the right to development would be adopted by consensus.

10. Mr. HERNÁNDEZ BASAVE (Mexico) said that the full realization of all human rights could not be dissociated from development, and that national and international policies conducive to development were required for economic and social progress. The development efforts of most countries had been thwarted by the conditions prevailing in the international economic system. An international effort to remove such obstacles was urgently needed, as four fifths of the people in the world consumed only 17 per cent of the resources, and one person in every five was living in abject poverty.

11. The Vienna Conference had been the culmination of a long process that had begun with the adoption in 1986 of the Declaration on the Right to Development. The Declaration called for international cooperation to complement national efforts, in particular by eliminating obstacles to development.

12. Between 1993 and 1997, the Commission had had two working groups concerned with the implementation of the Declaration, which had identified obstacles to its complete realization and drawn up a strategy for its promotion and implementation. Both groups had, however, failed to refer directly to the articles in the Declaration which established the obligation of all States to create an international environment conducive to development. His delegation trusted that the new working group set up pursuant to resolution 1998/72 would formulate recommendations on each and every one of the Declaration's 10 articles.

13. Special attention should be paid to the flight of capital from the developing world to the developed countries, to foreign debt, to the instability and low level of commodity prices and to the constant and absurd waste on weaponry. Attention should also be drawn to the need to eliminate

economic measures taken unilaterally for coercive purposes, the extraterritorial application of domestic legislation and the use of human rights for protectionist or political ends.

14. The High Commissioner for Human Rights should promote the incorporation of the right to development in the international economic policies of the major international economic actors such as the Bretton Woods institutions or the G-7 members. His delegation had already proposed the establishment of an early-warning system for financial crises, which had become one of the main obstacles to development. Urgent measures had to be taken to ensure international economic stability.

15. The resolution on the right to development should be adopted by consensus, and should include concrete measures to promote the right. More specifically, it should incorporate the right to development into the International Bill of Human Rights.

16. His Government attached high priority to social development through economic growth and job creation, while at the same time keeping inflation under control, maintaining sound public finances and adopting a flexible monetary policy when the country faced economic difficulties. The drop in petroleum prices and the flight of foreign short-term investments had restricted access to resources. As a consequence, three times in the last year the Government had had to adjust public expenditure. In order to combat social ills both nationally and in Chiapas, however, it had continuously increased social spending, which currently stood at 60 per cent of disposable expenditure, or 9.1 per cent of GDP, as opposed to 33 per cent and 5.8 per cent, respectively, just 20 years previously.

17. Ms. RUBIN (United States) said that nations that limited the freedom of their citizens limited their ability to respond to the people's needs, to develop commercial opportunities and to create new jobs. Her delegation thus strongly supported the Vienna Declaration and Programme of Action, which stated that "the lack of development may not be invoked to justify the abridgement of internationally recognized human rights".

18. Democracy, free institutions and vibrant civil societies provided the strength, trust and legitimacy that enabled nations to address their internal needs, to adapt to changes and maintain themselves through troubled times.

19. In a world of global commerce, prosperity flowed to nations where free markets flourished, corruption was fought and legal systems functioned. Both capital and labour must be respected so the two could work together instead of against one another. The United States Agency for International Development (USAID), which operated in 83 countries on all continents, strove to strengthen human rights, the rule of law, democratization and civil society, while at the same time expanding markets, increasing development chances for the poor and building educational opportunities.

20. The United States remained the largest donor to the developing countries and the largest contributor to both global and regional international financial institutions. Trade and investment could, however, offer benefits that assistance could not, because trade meant jobs, and employment was, as

the new Director-General of the International Labour Office (ILO) had said, "the first step out of poverty". The United States had an open market with low tariffs, and in 1996 had imported some US$ 279 billion worth of goods produced in developing countries, more than any other country.

21. Earlier in the current month, a United States-African ministerial meeting had been held at which representatives from 50 African countries and 8 African regional organizations had met senior United States officials and had drawn up a "blueprint" for future partnership in the twenty-first century. The plan addressed the immediate concerns of African nations, such as debt relief and education assistance, as well as the structural importance of trade, investment and economic reform in helping countries ensure social and political development and the prosperity that underpinned it. Prior to the meeting, the President of the United States had announced a major new initiative to assist the most heavily indebted, poor countries (HIPC) by striking up to US$ 70 billion from the books.

22. The HIPC initiative, which was to be discussed with the other G-7 members, would complement the ongoing cash flow forgiveness efforts organized by the Paris Club, and would forgive bilateral concessional loans entirely and up to 90 per cent of non-concessional loans. It would also establish an international commitment to provide at least 90 per cent of all future aid to HIPCs on a grant basis, so as to avoid driving up debt-servicing costs, and seek to reduce the debt by channelling resources away from debt-servicing and towards education and environmental protection. Funds that would otherwise be due to the United States could instead be used to establish nature preserves or build schools, thus directly benefiting the people of Africa and other developing countries.

23. Mr. LABBE VILLA (Chile) said that his delegation strongly disapproved of the practice whereby texts different from those adopted by consensus in Geneva were submitted in New York. It attached much importance to the right to development, which was an integral part of the indivisible and interdependent set of all human rights, and hoped that the draft resolution on the subject would be adopted by consensus.

24. The right to development was not, however, *jus cogens*, as were the provisions of the International Bill of Human Rights. Human rights had a hierarchy, like a domestic legal system. A labour code, for example, did not lose any of its effect simply because it was subordinate to a constitution.

25. The right to development had originally emerged as a right to economic development, but it could be seen in a wider perspective either as a right to the complete development of the human being or as a right to the economic development of peoples. In either case, its implementation presupposed the realization of the rights provided in the International Bill of Human Rights, which indeed were *jus cogens*, for it was impossible to achieve the right to development, either economic or personal, without a genuine respect for civil and political rights.

26. His delegation did not share the view that the right to development was a kind of prerequisite for the achievement of the other human rights. That was a bold and rather dangerous idea, which deliberately ignored the fact that

there was no consensus on the exact content and scope of the right to development. It was, logically, quite impossible to give a vague right the status of a precondition for rights that had been well defined and universally recognized. The right to development should not be introduced into the International Bill of Human Rights, nor should it be the subject of a convention.

27. The right to development was still evolving as a legal concept, and required serious work on the part of the international community. The situation was similar to that of the concept of the 200-mile limit for territorial waters, which had been launched in 1947 and which, 50 years later, had become an accepted norm of public international law.

28. The Commission's 1998 resolution had advanced the protection and promotion of human rights by establishing a dual follow-up mechanism for the right to development, which provided a forum in which to move ahead in the definition of the right. That did not, however, constitute a legal recognition of the right. The worst thing that could happen to the right to development would be for it to be perceived as a product of the South, as that would condemn it to being disregarded for political reasons. It was very important to maintain a consensus so that the right's universal character could be preserved.

29. Economically speaking, development was more than anything else the result of efficient policy, and economic policy was to be judged not by its good intentions but by its actual performance. Chile was in a region where the vast majority of States had achieved economic progress in the 1990s by opening their economies and taking advantage of globalization. It was to be hoped, therefore, that the draft resolution on the right to development would reflect the viewpoints of the Latin American and Caribbean countries concerning globalization and development.

30. The active subjects of the right to development were all the citizens of a State and the passive subject was the State itself. The right to development obliged all States to apply effective policies conducive to development. Each of them had to ensure that its financial regulations were transparent, that tax discipline was respected and that corruption was resolutely curbed. Words were not enough. If they were, then Latin America would be the most developed region of the world.

31. Mr. NDIAYE (Senegal) said the idea had long since been disproved that the right to development was a claim artificially put forward by the poor countries against the rich countries. Human rights still remained divided, however, owing to the obstacles hindering the realization of economic rights and the right to development. Economic globalization and the growing domination of market forces were causing concern among many countries, which were unable to maintain their competitiveness and which ran the risk of marginalization. Human rights could help to ensure a better understanding of responsibilities in such a situation.

32. According to the first of the six priorities in the Human Development Report 1997 "the starting point is to empower women and men - and to ensure their participation in decisions that affect their lives and enable them to

build their strengths and assets". The corresponding 1998 report emphasized that the rights to health, to food, to housing and to education were inseparable from the other human rights. His Government was in favour of a binding convention based on the Vienna Declaration and the Copenhagen Declaration on Social Development, as those two instruments clearly contained all the human rights set out in the two international Covenants, but also stated that those rights were indivisible.

33. The implementation of the Declaration on the Right to Development was a sensitive question, and the Commission would not always be able to satisfy everyone. All delegations should therefore remain open to suggestions and seek consensus. The High Commissioner had a major role to play, as the questions relating to the right to development and several social and economic rights often went beyond the competence of the Commission's working groups and experts. In the discussion on the right to development, all the treaty bodies and specialized agencies should take part, each of them stressing its own field of competence.

34. The old assertion that economic and social rights were unenforceable in law or in some way less individual than civil and political rights did not stand up to a logical examination of the facts. Their object, which specifically involved the terms of functioning of a market or an institution, could well be more complex, but they still had the same philosophical source as civil and political rights. An "objection of impoverishment" should be every bit as important and serious as an "objection of conscience".

35. His delegation supported the draft optional protocol to the International Covenant on Economic, Social and Cultural Rights, which was designed to provide international remedies for victims of serious and systematic violations of the rights guaranteed by the Covenant who had exhausted domestic remedies.

36. Mr. AL-THANI (Qatar) said the Vienna Declaration and Programme of Action stated that the right to development was a fundamental human right, and that the international community had a responsibility to ensure that right. It was incumbent upon all States to work at both the national and international levels to create an environment conducive to the achievement of all human rights. His delegation wished to emphasize the importance of the right to development and the need for balance in development. The right to development could be achieved only if all human rights were ensured.

37. All developing countries deserved assistance to prevent their marginalization in a world undergoing globalization. The gap between the North and the South was widening, and the foreign debt of the developing countries represented a formidable obstacle to development.

38. His Government had taken steps to realize the right to development, with balanced and equitable development, encouraging the development of all social classes. Democracy was of prime importance at the economic level as well as at the political level.

39. Mr. PURWANTO (Indonesia) said that every nation and every human being within a nation was entitled to equal opportunity for development. Despite the new development opportunities brought about by globalization, however, developing countries very often ran the risk of marginalization. The Declaration on the Right to Development stipulated that all States had the duty to cooperate with each other to eliminate obstacles to development, and lasting progress toward the realization of the right to development would require equitable economic relations and a favourable international economic environment.

40. Popular participation was essential to both development and human rights, and the greater the awareness of rights, the stronger the demand for institutional safeguards. Widespread poverty inhibited the full enjoyment of human rights and left democracy and participation fragile. At the global level, the lack of participation of developing countries in drawing up macroeconomic policy had a far-reaching impact on the world economy and adversely affected their development.

41. Concerted action was needed both nationally and internationally to mitigate such problems and ensure an economic climate conducive to the realization of the right to development. At the international level, an open, rule-based, accountable, predictable, just, equitable, comprehensive, development-oriented and non-discriminatory system was required to permit broader and stronger participation of developing countries in international economic decision-making as they faced liberalization and globalization.

42. The main focus of the study conducted by the independent expert on the right to development should be the concept of an effective national development policy and the individual and collective duty of States to ensure a favourable international economic environment.

43. Any right evolved in three phases: conceptualization; articulation in legal terms; and adoption of a legally binding enactment. The right to development had undergone a long period of conceptualization and had been articulated in the Declaration adopted in 1986. The follow-up mechanism established by the Commission should therefore consider the elaboration of a convention with a view to devising a specific mechanism for its implementation. To strengthen its universal application and give it a place commensurate with its importance, the Declaration on the Right to Development should be included in the International Bill of Human Rights.

44. The right to development was more than a mere synthesis of the classic individual rights or of framework rights. It was a right in its own standing, which also provided a comprehensive approach to the promotion and protection of all human rights. Its implementation at the international level was not an imposition on the developed nations of the duty to assist the developing countries; it was intended to protect the dignity and promote the prosperity of everyone. As the Declaration of Philadelphia, adopted by the International Labour Conference in 1944, had affirmed, "poverty anywhere constitutes a danger to prosperity everywhere".

45. Mr. MAHMOUD (Sudan) said he was disappointed at the slow progress achieved in realizing the right to development and eradicating poverty. The debt burden, declining levels of ODA and insignificant flows of foreign direct investment (FDI), especially to the least developed countries, continued to curtail the developing countries' potential to realize the right.

46. Globalization, for all its opportunities and benefits, also brought with it risks, as demonstrated by the Asian crisis, and it had failed to narrow the gap between rich and poor. There were few developing countries that had benefited from globalization. The international community should engage in a serious dialogue to draw up ideas on how best to safeguard against the further sidelining of those countries.

47. At its previous session, the Commission had adopted resolution 1998/11 on human rights and unilateral coercive measures, in which it had rejected the use of such measures as tools of political or economic pressure against any country, and particularly against developing countries, because of their negative effects on the human rights of vast sectors of their populations. It was a matter of grave concern that the very sectors mentioned in the resolution were unfortunately paying the price of an illegitimate embargo on his country which had blocked the procurement of spare parts and thus disabled the railways, depriving the people of the south of relief supplies.

48. Coercive unilateral measures based on unsubstantiated pretexts were also responsible for the destruction of vital development facilities, such as the Shifa pharmaceutical factory in Khartoum. The Commission should take note of the implications of the unjust use of coercive measures, in total disregard of international law and the Charter of the United Nations, which constituted a blatant violation of the right to development.

49. Mr. RODRÍGUEZ CEDEÑO (Venezuela) said that the elaboration of an international legal standard had to reflect the social reality to which it applied. Any codification of the right to development would necessarily have to be concerned with the process of the progressive development of international law, whereby legal standards were drawn up to deal with changes that were expected to occur. The right was a collective, subjective right which would, once codified, become *jus cogens*, meaning that States could not legislate against it. Its definition, which was already complex, must therefore be adapted to the new realities in a constantly changing society.

50. Development was not just economic; it had social, cultural and political aspects as well. In itself, it was not so easy to define, but any current discussion of development would have to include consideration of another as yet undefined concept, globalization, which was still establishing the rules governing relations between States. Those rules would have to take into consideration a number of factors, including the necessary international solidarity and the growing trend toward the creation of a genuine international community.

51. The right to development must therefore be established within the framework of globalization, which required specific rules to promote social progress and better living conditions, in accordance with the United Nations Charter. His delegation trusted that the efforts of the working group and the

independent expert would make it possible to move ahead in the conceptual definition of the right in the light of the new realities prevailing in the world. In the meantime, the Commission should adopt a balanced resolution on the right to development that was acceptable to all.

52. Mr. GARCÍA (El Salvador) said that his delegation understood the right to development as the right of the individual to have the tools needed to develop his or her human potential, and also as the collective right of peoples to produce wealth, to grow, to develop and to have access to basic services. The responsibilities of the Governments and of the international community were complementary in ensuring that right.

53. Sustainable human development faced obstacles, such as the alarming spread of extreme poverty, hunger, illness, illiteracy and the lack of decent housing for the majority of the people in the world, which called for concerted action and strategic alliances to unite efforts at all levels.

54. Globalization offered many opportunities for development, but it had to be recognized that the gap between the developed countries and the developing world was growing. The technological advances and the human, economic and strategic resources that could have served the international community to overcome underdevelopment were concentrated in the developed countries. The marked asymmetry between countries and regions made it all the more necessary to promote a dialogue to ensure that all countries could express their views and improve cooperation with the main international development organizations, not forgetting the important contribution made by the Bretton Woods institutions.

55. Civil society had a proactive role to play, as the human person was the central subject of development, which involved the promotion of appropriate economic, social, political, cultural and environmental conditions conducive to the virtuous triangle of peace, democracy and development.

56. Mr. MORJANE (Tunisia) said that, while there was a broad consensus on the right to development, the realization of that right had encountered numerous obstacles. Over and above the conceptual debate on the right, the underdevelopment and utter poverty in which much of mankind lived was unconscionable. According to the UNDP Human Development Report, meeting the basic needs for food, water, sanitation, education and health of all developing countries would require resources equivalent to about 4 per cent of the cumulative wealth of the world's 225 richest people. Some 1.3 billion people lived on less than one United States dollar a day, and 3 billion on less than two dollars.

57. The statistics indicated that it was no longer a question of a lower level of development but rather of an actual deterioration. Over 100 developing countries and countries in transition had experienced a serious economic regression, whereby per capita income had fallen below its level of 10, 20 or 30 years previously. Unless the international community corrected that situation, the human right to development would become a hollow concept and not only would civil and political rights be threatened but even the right to life itself.

58. In some societies, particularly in Africa, poverty had worsened, fuelling political crises and regional conflicts. Stereotyped development models and preconceived reform patterns imposed on them had failed, while their traditional lifestyles, which had proven their worth for centuries and were an integral part of their cultures, were being rapidly discarded. The hopes raised by the profound changes in the world in the late 1980s had evaporated. African countries had become still poorer, and the obstacles to respect for human rights included not only armed conflict among and within nations but also poverty, sickness and famine.

59. Tunisia had chosen a path which placed the human person and his or her dignity at the centre of all development. Civil and political rights could not develop and be strengthened without a minimum of economic and social needs being satisfied. Tunisia's development strategy had made it possible to improve the living standard of its citizens and to reduce poverty significantly, through a wide distribution of the wealth generated by growth and a series of social protection measures. Various institutions had been set up, including a National Solidarity Fund, the Tunisian Solidarity Bank and a system of micro-credits.

60. Mr. ZAHRAN (Observer for Egypt) said that the globalization of trade had led to increasing problems for the developing countries, which faced financial and other crises that threatened their progress and development. In addition, the gap between rich and poor countries was growing. It had been hoped that the resolution adopted by the Commission in 1998 on the right to development together with the appointment of an independent expert would help to restore a balance. The marginalization of the developing countries in the international economic system and the use of social and environmental conditions for protectionist purposes were obstacles to the realization of the right to development and of economic, social and cultural rights.

61. Most developed countries had failed to meet their obligation to provide 0.7 per cent of their GDP as ODA. Developing countries also faced the problem of their foreign debt, which was becoming worse as a result of globalization. The international community, and particularly the developed countries, must seek to overcome the obstacles to restructuring faced by the developing countries.

62. Ms. SACTOS PAIS (United Nations Children's Fund (UNICEF)) said she hoped that the tenth anniversary of the adoption of the Convention on the Rights of the Child would be marked by the mainstreaming of children's rights in the Commission's agenda and, in particular, in its work on the right to development.

63. The Convention on the Rights of the Child had been almost universally ratified and had shown that development policies needed to be guided and informed by human rights. It reaffirmed the universality, indivisibility and interdependence of human rights, fostering participation and recognizing the central role of the human person. The Convention also served as a human rights reference in the approach to development not only for UNICEF, but also for United Nations bodies, bilateral programmes and national development strategies.

64. The world had undergone some macroeconomic shocks in 1998 which had led to an increase in poverty and disparity, had left millions of people without access to basic social services and had resulted in serious social repercussions. In Indonesia, the number of people living in poverty had risen from 22.5 million in 1996 to 80 million in 1998. In Thailand, some 400,000 children had dropped out of primary school. In many countries, there had been an increase in child labour and in child prostitution.

65. ODA had fallen to an historic low of 0.22 per cent of the combined GNP of developed countries in 1997 and countries with high child mortality, high birth rates and low access to primary education had been hit hardest by the cuts. Children were the most vulnerable victims in such circumstances. It was precisely during such economic and social crises that human rights took on a real meaning and had to be translated into effective action.

66. Mr. RAJA NUSHIRWAN (Observer for Malaysia) said he welcomed the increasing attention paid to the right to development in all quarters and particularly in the speech by the Minister for Foreign Affairs of Germany on behalf of the European Union. It was to be hoped that a consensus would be reached on the draft resolution devoted to the issue.

67. One of the lessons of the financial crisis that had shaken many Asian economies in 1998 and persisted and spread in 1999 was that economic success could not be assured in the long run unless all human rights, including economic, social and cultural rights, were observed and guaranteed. The primary lesson, however, was that there must be limits to the economic action taken by unaccountable agents such as financial speculators, failing which the human rights of the many would be systematically violated for the profits of the few. Democracy was a necessary condition for economic success but was not in itself a sufficient condition.

68. Attempts had been made - perhaps unwittingly - to redefine the right to development. For example, it had been said that the Declaration on the Right to Development had started a process of deliberation towards building up the new paradigm of development, based on human rights. In actual fact, the new paradigm was rather a paradigm of human rights based on development. The independent expert should heed the warnings reiterated time and again by the developing countries and be careful not to fall into the trap of redefining the right to development, a right to which the developed countries appeared to pay lip service only.

69. Mr. BOUAH-KAMON (Observer for Côte d'Ivoire) said that the Declaration on the Right to Development and the Universal Declaration of Human Rights affirmed the responsibility of States for the realization of the right to development, while also specifying that international cooperation was a corollary to that responsibility.

70. The right to development encountered more problems in its implementation than in its conceptualization, which was why the Commission had, at its previous session, established a follow-up mechanism and appointed an independent expert. The consideration by the independent expert of theoretical aspects of the right should aim at strengthening the concept rather than diluting it by referring to ephemeral contexts such as

globalization. Indeed, it was difficult to see how each State could meet its obligation to implement the right to development until the obstacles facing the developing countries, such as the debt burden, negative net transfers and falling commodity prices, had been removed.

71. The initiative taken by Germany and France, together with a number of other countries and NGOs, to cancel the debts of the highly indebted poor countries (HIPC) was a welcome and positive sign of the political will to eliminate one of the most serious obstacles hindering the implementation of the right to development. His own Government was making efforts to consolidate the country's growth, balance its public finances and combat poverty. The responsibility of States to realize the right to development went hand in hand with international solidarity and cooperation among States.

72. Mr. GOLEDZINOWSKI (Observer for Australia) said that his Government applied a few simple principles to its policies in relation to the right to development, among them being the idea that human rights and sustainable development were best promoted and realized when States exercised authority in a way that was transparent, accountable, effective, equitable and participatory and promoted the rule of law.

73. His delegation, which had been a sponsor of the resolution adopted by consensus at the Commission's previous session, was disappointed that the General Assembly had adopted a resolution on the same subject without consensus a few months later. That had done nothing to advance the right to development. The text on the right to development should be adopted at the current session by consensus, as a result of focusing on the many areas of agreement. Areas of disagreement should be discussed in a positive atmosphere at the working group meeting later in the year. Most importantly, perhaps, the approach to the discussion of the right to development should be transparent, open and inclusive. Most of the root causes of underdevelopment had already existed for far too long. Attention in the working group should be focused on them.

74. Mr. LINN MYAING (Observer for Myanmar) said he was concerned that so little progress had been made in implementing the Declaration on the Right to Development, which had received very little support and attention in comparison with other human rights issues. Problems had been encountered at both the national and international levels, and progress in overcoming the obstacles was still inadequate.

75. The gap between the developed and developing countries remained unacceptably wide. One way to narrow it would be to strengthen the participation of developing countries in international decision-making. Another would be to provide ODA, technology transfers and financial and technical assistance. The drop in the level of ODA was not very encouraging, but further assistance to States in need could go a long way towards realizing the right to development. Such international cooperation should, however, be provided free of conditions.

76. His Government considered that the World Bank and other international financial institutions should incorporate the right to development into their

projects. It thus supported the General Assembly's resolution calling on the Secretary-General and the High Commissioner for Human Rights to work with the World Bank to that end.

77. His Government had, since 1988, undertaken to restructure the economy, transforming a centrally planned economic system into a market-oriented one with broad participation by the private sector. It had thus ensured economic growth, and had since turned its attention to the development of the infrastructure. It was fully committed to the realization of the right to development, though it faced daunting odds owing to the imposition by certain countries of coercive economic measures.

78. Mr. AGURTSOV (Observer for Belarus) said that Belarus was well aware of the fact that the destruction of the environment led to the violation of the basic human right to life, as it had borne the brunt of the consequences of the Chernobyl accident. It appreciated the international support and solidarity it had received and was also aware when such backing was not forthcoming. Up to a quarter of the national budget had had to be earmarked to dealing with the effects of the accident, thus delaying for years the implementation of some very important social and economic programmes. However, Chernobyl had not and would not be used as an excuse to neglect social programmes. In fact, in the accident's aftermath, his Government had taken steps to develop the public health system, to ensure that foodstuffs were safe and to introduce environmental education programmes for young people.

79. One of the country's most significant social achievements was the universal and compulsory public education system. One out of every four people in the country was a pupil or a student, and nearly 500,000 people worked in the educational sector.

80. Belarus attached great importance to development. The Constitution provided that social services would be a priority of the State's policy, and a referendum held in 1996 had enlarged the social and economic rights of citizens. With the support of the Economic Commission for Europe (ECE), the Government had established a Regional Centre for Sustainable Development at Minsk, with the aim of enhancing international partnership in tackling the development problems of the transition economies.

81. Mr. MAMDOUHI (Observer for the Islamic Republic of Iran) said that the lack of equilibrium in the international economic system and the absence of an enabling economic environment had hampered the enjoyment by peoples in the developing world of human rights, including the right to development. While the right to development had been increasingly recognized as a factor contributing to the promotion and protection of human rights and to international peace and security, there were still some who believed in a hierarchy of human rights. In their view, civil and political rights came first, a fact reflected in the workings of OHCHR and, in particular, in the contribution levels to the voluntary funds.

82. As the Vienna Conference had affirmed, all human rights must be treated equally and on the same footing. Throughout the United Nations system, efforts should be made to ensure that high priority was given to the promotion

and realization of the right to development as a vital element of a human rights programme. OHCHR should consult States regularly on the follow-up to the Declaration on the Right to Development and submit reports to the open-ended working group on its activities to implement the right to development. In addition, States, international organizations and the working group should all examine the extraterritorial implications of the policies of States for human rights.

83. Mr. PAPPA (Observer for Switzerland) said that a number of controversial points had to be clarified in order to make it possible to implement the right to development, including the interpretation of the term itself and the conditions required for its application. A balance had to be struck between the collective and individual aspects of the right. The independent expert's statements in that regard were highly appreciated. Implementation of the right to development was certainly a complex task involving a balanced, integrated and multifaceted approach, a pragmatic approach rather than an ideological one.

84. At the national level, implementation required participation and favorable conditions, such as sound management of public affairs, the rule of law and respect for human rights. Switzerland had strengthened its support for such conditions in the countries with which it cooperated, adopting comprehensive guidelines for human rights, the rule of law and anti-corruption campaigns.

85. At the international level, development was closely related to trade and financial flows and to policies drawn up in the international trade and development forums. As the right to development was influenced by the economic, social and cultural aspects of globalization, the international economic and financial institutions should be involved in the discussions on that right. Moreover, OHCHR, ILO and the international development organizations should strengthen their mutual cooperation in respect of the right to development. The right to development had its limits, however, and it should not be regarded as a panacea for all problems, especially for those related to international economic relations.

86. Mr. KHELIFI (Observer for Algeria) said the legitimacy of the developing nations' aspiration to realize the right to development stemmed from the fact that some of the causes of underdevelopment were historical in nature. The right to development was thus a moral debt owed to the developing countries.

87. States were no longer the only entities responsible for development policies and inequality seemed to reign in multilateral trade and economic relations. The weight of history and the development of globalization imposed on countries the duty to cooperate effectively to eliminate obstacles to the realization of the right to development. The United Nations had, in its various relevant texts, established that the realization of the right demanded effective national policies, but also equitable economic relations and a favourable international economic environment.

88. At its previous session, after years of controversy and sterile polemics, the Commission had finally arrived at a consensus on the right to development. The High Commissioner had given it high priority and the

Commission had established a mechanism to follow up the Declaration on the Right to Development consisting of an independent expert and a working group. That mechanism should be given the appropriate means with which to carry out its mandate.

88. Paradoxically, equal opportunity for developed and developing countries was far from guaranteed in a globalized world. It was therefore imperative that international solidarity should take practical form. The international community could not ensure peace, stability and security in a world without shared prosperity and shared development.

89. Mr. AL-ATTAR (Observer for Yemen) said that, without sustainable development, fundamental rights could not be enjoyed, whatever the national and international legislation adopted. His Government therefore gave priority to the right to development in its programmes, and had adopted an appropriate free-market policy to invigorate the national economy.

90. His Government implemented development policies that took into account the importance of democracy and participation, with a view to achieving political, economic and cultural development objectives. Despite all those efforts, the country's infrastructure was weak, and that represented an obstacle to the attainment of development objectives. Many other developing countries encountered similar problems.

92. International cooperation, whether provided in the framework of the United Nations, bilaterally or regionally, was insufficient. The international community should assume its responsibility for the establishment of an appropriate economic context so that the developing countries, if they adopted the necessary policies, could achieve economic progress and enjoy greater equality. International cooperation should be enhanced so as to enable the developing countries to benefit from globalization.

93. Miss SÁNCHEZ REYES (Observer for Nicaragua) said that human dignity, the basis for all human rights, could not be protected when so many people in the world were victims of abject poverty, hunger and sickness and lacked work, housing and education. It was only through sustainable development that a progressive improvement in the quality of life could take place that would ensure the full respect of human rights for all.

94. Nicaragua, despite all the obstacles that it had to face, continued and would continue to work for development through socially equitable economic growth that respected the environment and guaranteed the quality of life of future generations. Nicaragua had made significant progress in ensuring human rights in recent years. It had become a democratic country, where people enjoyed freedom of expression and culture with full participation by civil society in decision-making.

95. There was still much to be done. The economy was fragile and its development had so far been modest. Extreme poverty persisted, as did unemployment, heavy foreign debt and a shortage of housing, all of which had been made worse by the natural disaster of the previous year. An

international environment of cooperation, comprehension and flexibility was needed if her country was to make progress in realizing the right to development.

96. Ms. MOFYA (Pax Romana) said that the debt burden was a real obstacle to the effective implementation of the right to development. Governments of highly indebted countries found it difficult to service their debts and to fund social services. Health, education and other basic services for some of the world's poorest people were being compromised while Governments made servicing payments on debts that could never be repaid. As long as the debt issue was not properly resolved, such economies would remain underdeveloped.

97. The Jubilee Year, 2000, was an appropriate time to forgive debts and to undertake a new beginning with more justice in international relations. Debt relief for the highly indebted poor countries (HIPC) only was the simplest and most direct of the options available, but it was not, perhaps, the one that the change of millennium required. Indebted countries needed relief immediately, not three or six years into the future, and all the 41 countries identified as HIPC should receive debt relief equally and without exception.

98. Debt was causing extreme poverty in over two thirds of the world. Her organization therefore asked that a specific in-depth analysis of possible debt-relief mechanisms should be included in the next report of the independent expert on extreme poverty to the Commission at its fifty-sixth session. The Commission should also adopt a statement by the chairperson in favour of worldwide debt cancellation according to the conditions suggested by UNDP, a statement to be addressed to the next meeting of the G-7 at Cologne in June 1999.

99. Ms. NEUBY (Centre Europe - Tier Monde), speaking also on behalf of the Movement against Racism and for Friendship among Peoples, said that, as far back as 1978, the report by the Secretary-General on the right to development had noted the obstacles to development, including economic domination, unfair terms of trade and external restrictions on national sovereignty over natural resources. The Secretary-General of the day considered that foreign economic domination must be eliminated as a prerequisite for development. That situation had only worsened in the ensuing decades, yet the current Secretary-General portrayed unfettered capitalist globalization, which simply strengthened the economic and political domination of the South by the North, as both inevitable and beneficial.

100. Economic colonization through the World Bank and IMF, by means of structural adjustment programmes, perpetual debt, unfair terms of trade, multinational enterprises and the World Trade Organization (WTO) agreements, had replaced direct colonization but still resulted in enormous transfers of resources from the South to the North. Many countries had lost much of their political sovereignty. Multinational corporations were establishing oligopolies, devouring small and medium-sized enterprises, encouraged by the privatization and liberalization promoted by the IMF and the World Bank. Yet the Secretary-General could see nothing wrong with that, even if it compromised national sovereignty and the right to development.

101. For its part, UNDP had adopted an initiative entitled Global Sustainable Development Facility - $2/$1: 2 Billion to the Market by the Year 2020, a project which could do a serious disservice to that agency's independence and credibility by legitimizing destructive economic policies. If the United Nations and its agencies were to guarantee human rights, they must reconsider their position of favouring the private interests of multinational corporations.

102. Mr. MOYA (American Association of Jurists) urged that the debt of the countries affected by hurricane Mitch be cancelled. The foreign debt of the developing countries in general was steadily rising and would never be reimbursed. On various occasions in the course of the twentieth century, the great Powers had decided not to pay their debts. Accordingly, the debt of the developing countries should be cancelled.

103. With the help of ruling elites, international economic interests had arrogated to themselves the right to take decisions, depriving citizens of their right to participate and the United Nations system had jumped on the bandwagon. The report of the High Commissioner for Human Rights (E/CN.4/1999/18) said that the corporate sector should identify its role in the promotion of a human centred sustainable development at the global level (para. 6). The dominant neoliberal belief was that human society was organized and conditioned by economic relations, and thus attributed a basic role to entrepreneurs and especially to multinational corporations. It was no accident that the same transnational consulting firm, Price Waterhouse, had served the Thatcher Government, Exxon and the United Nations Office at Geneva.

104. The report of the High Commissioner mentioned that UNCHR and UNDP had concluded a cooperation agreement which was already being implemented. UNDP had recently set up the Global Sustainable Development Facility (GSDF) in association with giant transnational corporations, many of which had been responsible for serious violations of human rights and environmental damage.

105. Mr. RABB (Himalayan Research and Cultural Foundation) said that the right to development was of particular importance to countries which, for historical reasons, had still not overcome hunger, poverty, unemployment, lack of housing and disease. The right to development, and hence all human rights, could be realized only if there was a favourable environment for their implementation.

106. Experience had shown that terrorism and fundamentalism represented the main challenge to realizing the right to development. In the past eight years, Pakistani sponsored terrorism had destroyed the economy of Jammu and Kashmir. Pakistan was still sending fanatical mercenaries to disrupt the peace and hinder development efforts. They had recently massacred 11 labourers who had been building a road, and 16 others had been killed a short while before that in the Doda district. The barbaric techniques they used involved butchery, quartering, blinding and strangulation. The international community in general and the Commission in particular should bring pressure to bear on Pakistan to halt its support for mercenaries and to allow the people of Jammu and Kashmir to realize their right to development.

107. Mr. ARIF (Afro-Asian People's Solidarity Organization) said that the peace and security essential for the enjoyment of the fruits of individual and collective labour were lacking. Geostrategic ambitions, terrorism and fundamentalism had produced conflicts that were destroying societies and negating the efforts undertaken over decades. Forces seeking to return societies to the middle ages had reduced the standards of living, requiring as they did a scorched and barren land in which to plant their perverse ideologies.

108. In Afghanistan, Pakistan and Bangladesh, the likes of the Taliban and the Harkat-ul-Ansar were resorting to violence, while in India the Lashkar-e-Tayba had called for a jihad against Hindus. Whole families were being murdered because of their religion. In Kashmir, infrastructure was being systematically destroyed by fundamentalist terrorism and the ethnic conflict in Sri Lanka showed no signs of abating. Apart from the monetary cost of combating terrorism, individual and collective freedoms, and hence the right to development, had become casualties as well.

109. Development implied the overall realization of human potential, and required peace and security. The international community must act to ensure the right to development of people subjected to terrorism and to stop States allowing terrorists to operate from their territories.

The meeting rose at 11.55 p.m.